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Illinois Issues

A publication of the University of Illinois at Springfield

Global risk

**Can America ensure
the safety of imported goods?**



Illinois Issues

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This December, *Illinois Issues* will launch the magazine's first online-only edition. That issue, which will appear on our Web site each December, will be devoted to breaking news, especially political campaign news. This year, it will give us a jump on coverage of the state's first February primary. Here's a preview of what's coming up.

- Campaign power play in the Illinois House
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Peggy Boyer Long



The boys and girls of summer could use some coaching on the essence of the game

by Peggy Boyer Long

Ah, baseball. That most American of pastimes. But these days some of the better players are imports.

Robert Kuhn McGregor calls one to mind this month in his essay on why baseball matters. Hideki Matsui came to America from Japan to play for the New York Yankees, where he has distinguished himself for powerful hitting. But, more to the point, he has become known for his professional dignity and personal compassion.

In a world of oversized egos, Matsui is a standout. "More than a good player," McGregor writes, "Matsui is a good man."

Japanese novelist Shizuka Ijuin profiles this quality of character in his book *Hideki Matsui: Sportsmanship, Modesty, and the Art of the Home Run*, which was published this year.

Matsui, the best hitter in his Japanese league before debuting in Yankee Stadium in 2003, tells Ijuin his favorite major-league batter is Mickey Mantle. But Ijuin talked with Joe Torre, the legendary manager of the Yankees (and former MVP hitter for the St. Louis Cardinals) to try to find out what makes Matsui different from other players.

"At the end of the day, do people really care whether or not the Cubs win in 14 innings or 9 innings?" Blagojevich told reporters today. "It's whether they win or lose."

Posted August 1 by Monique Garcia
Clout Street
Chicago Tribune Web Edition

Matsui, Torre realized, "didn't just hit with power; he hit with intelligence and judgment."

Torre, Ijuin adds, saw in Matsui "a fine all-around athlete, a man who understood the essence of baseball."

This prompts Ijuin to ponder the meaning of baseball. His conclusion?

"More than the most impressive personal record, more than a spectacular, awe-inspiring play, the genius of baseball lies in the fact that winning

requires every player to do his best, not for himself and his place in the record books, but for the optimal efficiency of the machine of which he is a part."

It is, he writes, "a delightful paradox of the game" that a team with no superstars but a roster of professionals, all playing at their peak, can become the better team. "In baseball, at least ideally, the whole is greater than the sum of its parts, and the wise player will understand that and seek to find his place in the whole."

What Matsui also understands is that, in the course of any season, there are wins and losses, but the losses almost always offer the more valuable lessons. His wisdom about the game, and life, is what makes Matsui different.

Ijuin has a larger point to make: We can learn something from the game of baseball about how powerful people and powerful governments relate to one another. "Modesty is one important virtue that can stop the abuse of power."

Now there's a thought. The political players in this long, long summer at the Statehouse might reflect on the meaning of governance as they wind up for their October playoffs. The boys and girls of

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summer, all of us, could use some coaching on the essence of the game from a world-class athlete who comes from the other side of the globe.

Having endured an over-long season of verbal shoving matches and legal fisticuffs, those of us in the stands should be forgiven as we suppress an impulse to yell, "Throw 'em outta the game."

But our two columnists, Bethany

Jaeger and Charles N. Wheeler III, tell us this month what's really at stake. And McGregor, as always, takes the philosophical view. Ijuin compares Matsui to the samurai. McGregor picks up on that and leaves us with a final thought.

"Warriors do not play frivolous games, or at least they do not play them frivolously.

"Always remember that." □

Made in China Halloween just got scarier

"China owns Halloween," writes freelance business journalist Sara Bongiorni. It makes the costumes. It makes the decorations. "It's all Chinese. Every bit of it, as I should have known. The gauzy, polyester spider webs, the fake hands with moving fingers, the electric jack-o-lanterns, and the light-up boulder with the ominous message 'Go back!' on it — it is all off-limits."

Bongiorni, the mother of two young children, spent all of 2005 tracking the challenges her family faced while trying to keep China-made products out of the home. The "experiment" is chronicled in *A Year Without "Made in China": One Family's True Life Adventure in the Global Economy*, which was published this year. As Bongiorni relates it, most of her energy went into finding toys for the kids during the holidays. All holidays — from Easter to the Fourth of July to Halloween. And Christmas? A logistical nightmare. Santa has moved to China. Every American celebration, Bongiorni concludes from hard-won experience, is now a "Chinese holiday."

She takes pains to explain that her family wasn't boycotting China or the Chinese, just trying to find out how integral products made in that country had become to this country. Very integral, it turned out. Her book offers a ground-level look at a devolving U.S. economy. A lamp maker tells her that Americans no longer make the switches. He has to get them from China. The owner of a shoe store tells her that "almost nobody" in America makes children's sneakers anymore. "It strikes me as dangerous to hand off the nation's shoe sector to China," she writes, "although I can't put a finger on precisely why this is so."

What Bongiorni couldn't know then was that toys and other products made in China can be deadly. As can imports from elsewhere. She says her venture was mostly viewed as irritating and eccentric, even by relatives and friends, but these days her doggedness in tracing the source of her family's toys, clothes and food might be considered prudent. The global economy seems more dangerous now. Bongiorni's book offers tips for consumers who want to follow her lead, along with a handy index that includes product categories.

So who is watching out for us? Reporter Daniel C. Vock explains in this issue what the U.S. government is and mostly isn't doing to protect Americans. "Products from China," he writes, "are under particular scrutiny." Though they account for 40 percent of the value of imports regulated by the federal Consumer Product Safety Commission, "Chinese products also are far and away the most likely to be recalled."

It's alarming to discover that some of America's favorite brands have been outsourcing production to China. But the scariest news is that, as imports from around the world increase, our own government is devoting fewer resources to regulating and inspecting them.

The feds could learn something about due diligence from Bongiorni. □

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Credits: This month's cover and issue were designed by Diana L.C. Nelson.

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Bethany Jaeger



Distrust and lack of communication in Springfield spoil opportunities statewide

by Bethany Jaeger

The longest overtime session in Illinois history is expected to roll right into the annual fall session, which is set to start October 2. Plenty of issues were left open for the legislature to debate in those six scheduled days, but compromise hasn't been the governor's and the legislature's strong suit this year.

Ten months ago, when the spring session started, House Speaker Michael Madigan and Senate President Emil Jones Jr. told lawmakers to prepare to make hard decisions. This was the year to hone in on the long-term challenge of how to fund education, transportation, public employee pensions and retiree health benefits.

But those fundamental issues got overshadowed by a more immediate budget debate between Gov. Rod Blagojevich and the General Assembly. The governor was determined to expand subsidized health care for adults, but the legislature denied multiple versions of his plan because they rejected the business taxes he wanted to levy to pay for it.

Months of wrangling ensued, and a host of legislative issues got tangled in the stalemate. The philosophical disagreement about whether to generate more revenue to cover increased spending prevented legislative action on two major measures, one that would reform the way Illinois pays for education and one that would release money for road and school construction projects and

***Federal lawmakers warn
that the continuous lack of
cooperation could cripple the
state's ability to compete for
federal resources in the future.***

Medicaid reimbursements for hospitals.

Even if lawmakers and their leaders had agreed on a way to generate new revenue, they wanted to avoid giving the governor a new bundle of money that he could shift from legislative priorities to his own.

That deep-rooted distrust continues to undermine the session that's become an endless game of tetherball. Momentum builds around major policy issues only to get tangled around a stubborn ideological pole, leaving players where they started.

Opportunities continue to pass by. The issues won't go away, but lawmakers lost the impetus to reform the way Illinois funds public education and to finance a capital program for much-needed road and school construction.

Federal lawmakers warn that the continuous lack of cooperation could cripple the state's ability to compete for federal resources in the future.

Advocates for education funding reform will have to rebuild the campaign

that began with gusto last January. The A+ Illinois coalition, which represents civic, labor, business, child advocacy and other community groups, campaigned for an increase in state income taxes and an expansion of state sales taxes. A "tax swap" was designed to reduce the burden on property taxes and provide more equitable funding for rich and poor school districts across the state.

The idea has been around for years but gained an edge this year from an unlikely source: the Chicago business community. The Civic Committee of the Commercial Club of Chicago, for one, urged the state to increase its contribution to the cost of public education. Right now, the state only pays about a third of the total tab.

To avoid a "financial implosion" outlined in a December 2006 report, the Civic Committee said Illinois could raise income taxes and broaden the sales tax "without jeopardizing its competitive status compared to other Midwestern or urban-industrial states."

Although the effect of the tax reform is debatable, the tax swap proposal gained support from the politically influential Legislative Latino Caucus, teachers' unions and other education reform advocates. But the bill unraveled when it became clear not enough lawmakers would stick their necks out to vote for a tax increase that was destined for the governor's veto.

A+ Illinois said the governor and the

General Assembly missed their chance to raise taxes without alienating voters, but there's still hope supporters of the tax swap will take their frustration to the polls in 2008. The group cites a January survey commissioned by the Chicago Urban League and Voices for Illinois Children on behalf of the coalition. Results show 66 percent of the 600 registered voters surveyed support the tax swap concept if it means equitable funding for schools.

"The good news is that voters have demonstrated a willingness to pay more in income or sales taxes to invest in education," campaign manager Mary Ellen Guest said in an August letter. "The bad news is that state leaders just squandered a golden opportunity to make school funding reform a reality this year."

School superintendents hope they won't have to wait until 2008 for action on a capital plan to pay for school construction projects. They look to the fall session for lawmakers to finally advance a capital budget, which has fueled a prickly debate for months, even years.

The capital plan is particularly important to 24 school districts that have waited for state funding since 2001. Rochester Superintendent Thomas Bertrand said in a Statehouse news conference last month that his community outside of Springfield has committed more than \$18 million in property taxes in the past two years to compensate for the delayed \$10.2 million from the state. "If we start tomorrow, we can't build fast enough," he said.

A district in the Rock Island County community of Silvis is experiencing the opposite problem. The aging schools are losing students to Iowa. "We're really hurting, and we're losing to the competition," Superintendent Ray Bergles said at the same news conference. "People are moving to Iowa because people see the schools and compare them."

Rep. Lisa Dugan, a Bradley Democrat, joined the superintendents at the press conference and said the money is available, but the governor needs to set his priorities straight. "I think it's bureaucratic bull. I don't know that it's deliberate. The governor's doing a lot of things that I'm not quite sure why."

The money was approved in a supplemental budget bill, which, among other things, would have cleared the projects for the two dozen school districts. But

School superintendents hope they don't have to wait until 2008 for legislative action on a capital plan to pay for school construction projects.

the governor waited to sign the measure until the final hour before it would have become law anyway without his signature. His administration then told the districts they hadn't filed the necessary paperwork on time.

Releasing the funds through a capital bill will require all four legislative caucuses to compromise on a way to pay for construction bonds.

House Republicans, who are needed to approve a capital plan in that chamber, favor only a limited expansion of gaming to generate enough money. But the governor and Senate President Emil Jones Jr. support a much larger package that would create as many as four new casinos.

If the "gaming for capital" plan fails during the fall session, few other ideas are on the table that would generate enough revenue to float the construction bonds by spring.

Frustration with the stalemate reaches all the way to Washington, D.C. U.S. Sen. Richard Durbin and the state's congressional delegation wrote a letter last month urging state officials to compromise on a capital bill so the state wouldn't waste federal matching dollars earmarked for Illinois' transportation needs.

"The lack of a state capital bill to address infrastructure issues means that Illinois has not kept up with the growth in construction costs," Durbin said in the letter. "These infrastructure needs will not go away, and the longer we wait to fund them, the more expensive these projects will be."

Congress earmarked about \$1.2 billion a year for Illinois' highways and mass transit projects. The state is missing out on another \$50 million in federal earmarks for projects that aren't now part of the state's multiyear plan. The money won't go away, but it could be released a lot faster if the state approves a capital bill, says Mike Claffey, spokesman for the

Illinois Department of Transportation.

In the meantime, more than 1,500 bridges have structural ratings worse than the Minneapolis bridge that collapsed in August, according to Durbin's letter.

One out of every five miles of Illinois' highways are in bad shape, according to Linda Wheeler, who spent 28 years with the state transportation department and is now a consultant with the Transportation for Illinois Coalition. Wheeler adds that aging roads and increased traffic congestion will lead to economic disaster.

"In so many ways the state program is really inadequate to serve the economy and the mobility concerns of people," she says.

The opportunity to tap into federal funds for hospitals also could be a victim of the state's "toxic environment" and the breakdown of communications, says Sen. Jeff Schoenberg, an Evanston Democrat and sponsor of the hospital assessment program. Hospitals serving Medicaid and uninsured patients were slated to receive \$1.2 billion in federal reimbursements, but that money also was delayed by a technicality when the governor waited 59 days to sign the supplemental budget bill.

Constitutional officers cooperated to release half of the money this fall, but the damage may already be done.

"The delays resulting from the conflicts have not only put vulnerable hospitals and their patients at risk, but they have also poisoned the well for attempting another plan that will require federal approval when this one expires," Schoenberg says.

Illinois Comptroller Daniel Hynes says there's a lesson to be learned from this year's string of missed opportunities.

"Everybody has to realize that you're not going to have your way and get everything you want. In the end, the governor appears to have settled for less than \$500 million in increased health care funding, assuming he can get it done legally. It does beg the question as to whether, in a less confrontational way and a more conciliatory way, he could have achieved that."

And there's a question whether he could still compromise to release the choke hold on education funding reform and road and school construction projects. □

Bethany Jaeger can be reached at capitolbureau@aol.com.

BRIEFLY

GREAT LAKES BP dumps lake pollution plan

BP backed down.

Seeking to stamp out a firestorm of criticism that smoldered more than a month, the petroleum giant dumped plans to release more ammonia and other pollutants into Lake Michigan. The late August decision was viewed as a victory for the coalition of Great Lakes politicians and environmentalists that formed to oppose the more lenient wastewater discharge permit Indiana regulators granted for a \$3.8 billion expansion of BP's Whiting, Ind., oil refinery.

"This is the news we have been waiting for — a watershed moment for Lake Michigan," U.S. Sen. Richard Durbin, a Springfield Democrat, and U.S. Rep. Rahm Emanuel, a Chicago Democrat, said in a joint statement. "They realized a good business decision is a good environmental decision."

An Emanuel-sponsored resolution rebuking both BP and Indiana regulators cleared the U.S. House 387-26 a month earlier. The rare bipartisan show of opposition came on the heels of a July 15 *Chicago Tribune* report on BP's new

permit, which would allow the company's lakefront plant to boost daily ammonia output 54 percent and release 35 percent more suspended solids — tiny silt particles that remain after wastewater has been treated and filtered.

Ammonia can disrupt the development of young salmon and promote fish-choking algae blooms, while suspended solids can contain traces of mercury and other harmful heavy metals.

While significantly greater than current levels, the increased BP discharges, approved in June by the Indiana Department of Environmental Management, still fell within federal limits.

"That's the thing. If there was a particle of evidence that water quality in Lake Michigan would be changing in any way, that permit would not have been issued," says Indiana Gov. Mitch Daniels.

But BP critics — from Chicago Mayor Richard Daley to Pearl Jam front man Eddie Vedder — considered any move to increase Lake Michigan pollution an affront to decades-long efforts to heal and protect the Great Lakes.

Some opponents remain skeptical the company will keep its promise to hold the line on Lake Michigan pollution. Indiana

regulators have not revoked their more lenient permit, which was issued to facilitate the company's plan to process heavier Canadian crude oil.

BP told regulators it cannot spare the 12,000 square feet required to build two new treatment tanks to handle the ammonia increases forecast for the 1,400-acre refinery. And, contending no technology exists to eliminate the expected rise in suspended solids, the company warns it may have to scrap the Whiting expansion.

"Do you really think we would undergo this kind of scrutiny if there was something off the shelf we could pop in place and make it all go away?" refinery manager Dan Sajkowski told lawmakers.

But not everyone believes BP when it says the environmental flap could cancel the 80 new refinery positions and more than 2,000 temporary construction jobs associated with the expansion. The Chicago Department of Environment, for instance, commissioned a private engineering study that suggests the Whiting plant could expand and keep pollution in check by spending less than \$40 million on controls used by other refineries.

*Pat Guinane
Indiana Statehouse reporter
The Times of Northwest Indiana*

Photograph courtesy of the U.S. Environmental Protection Agency



For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>

AGRICULTURE

High corn prices may lead to new pest problems

"Those who cannot remember the past are condemned to repeat it."

George Santayana, *The Life of Reason*

"Life finds a way."

Ian Malcolm, *Jurassic Park*

Bug specialists are a little worried the high price of corn will cause farmers to make decisions about pest management strategies that could create new strains of insects resistant to today's successful crop management practices.

"If we look at the history of integrated pest management, there have been repeated examples of utilizing a technology over and over and over again. Without any careful scouting input and using these tools wisely, resistance actually develops," says Michael Gray, a professor of agricultural entomology and interim assistant dean of Agriculture and Natural Resources Extension at the University of Illinois.

Kevin Steffey, a professor of crop sciences who is an extension specialist and a colleague of Gray's, presented these concerns to the American Chemical Society meeting in August.

Integrated pest management is a set of principles that have worked for farmers for a half century. Under those principles, farmers aim to control pests at each stage of production, from soil preparation and seed selection to crop rotation and field inspection.

Top on a corn farmer's hit list is the European corn borer and corn rootworms. But overreliance on any management practice can stress insects into mutating genetically. They develop a resistant gene that allows their bodies to break down and excrete the toxins that are used to control their numbers.

In the 1950s and '60s, the state suffered serious crop losses when insects became resistant to powerful, and environmentally damaging, chlorinated hydrocarbons such as DDT.

In 1995, the tried and true practice of crop rotation — corn one year, soybeans the next — broke down. It had always worked because the corn rootworm has an annual cycle. But then an enterprising strain of females laid eggs in soybean fields, where they overwintered, and the hatched beetle larvae were ready to feast on the next year's corn crop.

"Even with crop rotation, where you do the same thing over and over and over again, pests evolve," says Gray.

Extension scientists worry the next field of battle will come with transgenic corn hybrids, such as Bt corn (transformed with the *Bacillus thuringiensis* gene to be toxic to corn borers). These products were developed in the last decade and work well, but scientists warn that, given enough time, bugs can find a way to beat this latest technology, too.

With corn demand and prices driven to record highs by biofuel production, Steffey is hearing anecdotal evidence that some farmers are not planting refuges, which reduce the likelihood that insects will develop resistance to the Bt hybrid. Blocks or strips of non-Bt corn are supposed to be planted with the Bt corn, according to rules established by the U.S. Environmental Protection Agency.

Straying from traditional, time-proven methods — or using multiple pest management techniques when they aren't needed — may be creating the very problem farmers are constantly fighting: new strains of crop-destroying bugs.

Photograph by L. Brian Stauffer, courtesy of the University of Illinois at Urbana Champaign



Kevin Steffey, an Illinois extension specialist in entomology and professor of crop sciences, shows damage caused by the corn rootworm (right hand) and the protection provided by anti-corn rootworm Bt corn (left hand).

Web site follows insect migration

A new Web site based at Northern Illinois University in DeKalb predicts insect migration. Farmers, commercial growers and entomologists can now know when crop-eating bugs may invade their areas.

David Changnon, professor of meteorology, and Mike Sandstrom, research associate in meteorology, created AWARE, an acronym for Ag-Weather Applied Research Endeavors, to forecast the migration of the corn earworm in the Midwest. The larvae of *Helicoverpa zea* moths plague late-season sweet corn. Carried by winds, the moths migrate northward during the summer. When uncontrolled, the insects can cause millions of dollars in damages in one growing cycle.

Brian Flood of Del Monte Foods in Rochelle initiated the idea of the Web site to find a better way to protect Del Monte's cornfields. If the company could predict favorable conditions for migration, it could take preventive measures rather than react to already damaged crops.

"Historical information isn't helpful for insect control. You have to be able to predict and plan in order to protect," Flood says.

He says with the AWARE Web site, farmers have been able to reduce their spraying by up to 50 percent. In the past, farmers would

habitually spray their fields. Now they can spray with higher volumes of pesticide, but less frequently because they are more informed about when crops are in danger.

"The earworms are a problem for about one month

Photograph by Jack Dykinga, courtesy of the U.S. Department of Agriculture



Corn earworm

out of the year," says Sandstrom. "With AWARE, farmers have a better idea of when that is and can use the time before to prepare their defenses."

The moths drop to growing fields during cold fronts, thunderstorms and rainfall. The Web site provides information about wind direction, particularly southerly winds, or air moving from the south or southwest. Areas in the path are likely targets for the insects.

The Web site is <http://agweather.niu.edu>.

Beverley Scobell

Bonnie Burcham

IT KEEPS GOING AND GOING AND GOING State lawmakers still at it long past Labor Day

As of mid-September, the 95th General Assembly hadn't adjourned its record overtime session, raising a possibility the spring session, which began in January, would bump up against the regular fall session that starts October 2.

Lawmakers are expected to debate overriding Gov. Rod Blagojevich's \$463 million in budget cuts. (The Center for Tax and Budget Accountability pegs that total at more than \$470 million.) They're also likely to continue hammering out differences over funding a capital program for road and school projects. House Republicans and Democrats think they can overturn the governor's maneuver that again delayed distribution of state money for 24 school construction projects that were approved five years ago.

"They heard for years that they had all the paperwork in place, but there was no money," Rep. John Bradley, a Marion Democrat, said during a Statehouse news conference last month. "Then we put the money in place, and they hear that the paperwork's not in place."

Rep. David Reis, a Willow Hill Republican, said the governor is holding the money hostage and never called the districts to discuss the technicality that prevented the money from being released. "Governor, it's time for you to stop using these school districts as pawns to try to move your failed agenda forward."

The governor's agenda remains expansion of health care for uninsured adults, including some from middle-income families, but he lacks legislative support.

Despite political tensions among all four legislative caucuses and the governor's office, lawmakers and the governor did manage to agree on some legislation during the spring session. Here's a sample of measures the governor signed into law over the summer.



Statewide smoking ban

Restaurants, bars, bowling alleys and other public places will become smoke-free January 1. The governor signed a

statewide smoking ban, pleasing health advocates who said it would reduce exposure to harmful secondhand smoke. Some local officials, including Springfield Mayor Tim Davlin, say the statewide ban will create an equal playing field for businesses already affected by local bans.



Electricity rate relief

Commonwealth Edison customers in northern Illinois and Ameren Illinois customers in the central and southern regions will receive some relief from electricity rates that skyrocketed after a state law expired in January. The majority of the \$1 billion in rate relief will be paid for by the utilities' parent companies, Exelon Generation and Ameren Generation, in exchange for a state promise not to refreeze electricity rates. The state also dismissed lawsuits alleging the power suppliers colluded to jack up electricity rates in a power auction last year. Although the governor wasn't invited to the closed-door negotiations, some of his energy initiatives will be enacted as part of the plan. For instance, Illinois utilities will be required to establish renewable energy sources as 25 percent of their electricity portfolio by 2025, and they will have to invest in technology and programs to help customers reduce energy demand.



Stem cell research

Public funds can be used to pay for stem cell research, including the controversial research that uses human embryos. The act also bans human cloning. The new law creates a way for couples to donate their frozen embryos for stem cell research and strengthens the state's grant-making process by, for instance, requiring peer review of all applications. A state committee appointed by the governor and confirmed by the Senate will make the final decisions about who gets the grants. The estimated cost to the state, about \$258,200, includes salaries for

three new employees in the Illinois Department of Public Health.



Teen driving safety

Teens have to drive more hours with a permit, as a measure signed into law increases the requirement from three to nine months.

Starting in January 2008, teens won't be able to drive while using a cell phone until age 19, one year later than the previous law. Emergencies will be exempt.

Teens are immediately starting to learn about cell phones and other potential driving distractions, such as music or loud passengers, in driver's education classes.

Also beginning in January, teens convicted of a gang-related crime using a car will have their licenses revoked until they turn 21.

Parents will be able to check their teens' driving records on a Web site created by the Illinois secretary of state's office.



Drunk driving

Starting in January 2009, first-time DUI offenders will have to have an ignition interlock device on their cars while driving on a restricted driver's license. They will have to blow into the device for a blood alcohol test in order for the car to start and keep operating. The existing law only applied to repeat DUI offenders.

Starting next year, family members of drunk driving victims can request a standard memorial marker be placed at the scene of the car crash. It would read, "Please don't drink and drive, in memory of," and include the person's name and the date of the crash.

Under a separate measure signed by the governor and effective immediately, parents who knowingly let their teens drink alcohol in their homes could face an increased penalty if the teen drinking leads to alcohol poisoning or a fatal accident. The penalty increases from a misdemeanor to a felony, which would mean one to three years in prison and a \$500 fine.

Anti-violence program hit

Illinois' CeaseFire program is designed to reduce gang violence and prevent shootings, but this summer it became the poster child of services caught in the state political crossfire, says its executive director, Dr. Gary Slutkin, professor of epidemiology and international health at the University of Illinois at Chicago.

Gov. Rod Blagojevich says he trimmed \$463 million out of the state budget in August to pay for expanded health care, and part of those cuts included \$6.2 million for CeaseFire.

The organization employs former gang members and ex-prisoners to work at the street level (see *Illinois Issues*, September, page 27). They work to "put out the fires and keep the shootings down," Slutkin says.

But they do more than intervene.

"I've heard this over and over that they are an example to others in the neighborhood. 'If you do straight work, it's OK, and they will stand behind you. And you can get a normal paycheck,'" he says, adding the budget cuts undermine that mission.

"It's not only threatening the livelihood of these outreach workers who have mortgages and rents and car payments and children, but it's also critically impairing the message that if you do a straight job, it will work for you. And this is the absolute saddest part of this moment."

The state pays for the majority of the community level work. Between 2004 and 2006, more than \$11 million of the \$16.2 million in funding came from state coffers, according to an August report by the Illinois auditor general's office. The rest came from private donations, federal grants and Cook County government.

The governor's budget office said in a statement, "While CeaseFire and other initiatives may serve a purpose for a particular community or organization, we can't afford to spend taxpayer dollars on them right now. With the changes the governor made, the budget better reflects the needs of the state."

Slutkin says workers are trying to hang in there in an unpaid capacity, but many of the outreach efforts slowed or stopped.

CeaseFire will continue to exist, however, because of its other funding sources. It has also gained attention as state lawmakers expanded the program so CeaseFire could come to their communities. It started in just five Chicago neighborhoods and spread to 20 others around the state, including Decatur and East St. Louis, in the past two and a half years.

The latest annual report suggests the program works. Issued to the General Assembly early this year, the report says the state had 766 killings in 2005 and ranked sixth in the nation. At the same time, the number of killings in Illinois each year since 2000 has gone down more than any other state.

"CeaseFire has figured something out in terms of a replicable method for making neighborhoods safer," Slutkin says. "And everyone's figured out that the neighborhoods have to be safer for anything else good to happen."

Launched at the University of Illinois at Chicago, CeaseFire is a primary initiative of the Chicago Project to help community-based organizations develop anti-violence plans in high-risk neighborhoods.

Bethany Jaeger

House Dems hit the road on the budget

House Speaker Michael Madigan scheduled 19 public hearings around the state to discuss Gov. Rod Blagojevich "budget savagery," meaning the \$463 million the governor says he cut from the budget in August. The hearings are designed to build support for overriding those vetoes in the fall session that starts October 2. Madigan planned to hold the hearings in districts represented by House Democrats who lost funding for projects. The Democrats argue the cuts were made because of a disagreement with the governor's plan to expand health care. "The Democratic House members lost everything that they requested," says Democratic Rep. Lisa Dugan of Bradley. Her request for a grant to buy equipment for local fire and police departments was denied. "Unfortunately, the governor doesn't like our stance on wanting to compromise on his health care plan."

Bethany Jaeger



Sex offenders

Convicted sex offenders now have to register with the state for life.

They're also banned from working at carnivals and county fairs. Carnival owners must conduct criminal background checks.

All private schools seeking recognition from the Illinois State Board of Education now have to do criminal background checks on all employees, including bus drivers and janitors. Previous law only applied to public schools. Sex offenders also are unable to get jobs at the schools.



Freedom of the press

This January, college media will be protected from review by campus officials before publication. The governor signed the measure that's designed to ensure campus media outlets remain a forum of discussion in public institutions. While campus media advisers will be able to sue to protect their publications, the measure also protects institutions from lawsuits stemming from what campus media publish.



School bullying

Starting immediately, all schools must draft a policy on bullying and update it every two years.

School buses also can now install cameras and recording devices to help prevent bullying. Previous state law allowed video cameras but not audio recorders.



Hospital infections

Effective immediately, hospitals and nursing homes face stricter rules aimed at preventing bacterial infections that resist common antibiotics.

Another new law requires hospitals to screen all patients in intensive care units and other "at-risk" patients for Methicillin-resistant *Staphylococcus aureus*.

Bethany Jaeger

LEFT BEHIND

A study by University of Chicago researchers offers empirical evidence that the 5-year-old No Child Left Behind law encourages schools to concentrate on children with skills in the middle of the accomplishment range and devote fewer resources to — or ignore altogether — those students at the bottom and the top.

"We live in a world where you get what you pay for," says Derek Neal, co-author of the study. "If you tell the schools they are rewarded or punished based on how many [students] passed, that's going to lead to people allocating their efforts in a way to make sure as many pass as possible."

In *Left Behind By Design: Proficiency Counts and Test-Based Accountability*, Neal and co-author Diane Whitmore Schanzenbach, economists at the University of Chicago, show that because No Child Left Behind established a system that rewards schools solely on the criteria of how many pass standardized tests, teachers and principals feel pressure to put energy and resources into the group of students — the so-called bubble kids — most likely to pass.

The researchers focused on fifth-graders in the 421,000-student Chicago Public Schools system and looked at data from two time periods when the district changed its testing and accountability requirements. In 1998, Chicago schools eliminated social promotion and required eighth-graders who did not pass the Iowa Test of Basic Skills to attend summer school. In 2002, the district implemented requirements of the federal No Child Left Behind Act, which had been signed into law that January. Neal and Schanzenbach compared test scores of fifth-graders — showing their growth from third grade — before any policy change, after the local reform and after the federal law was implemented.

"The pattern seems to be extremely clear: The bubble kids are the ones that get more effort expended on them. They see big test score gains, and the kids at the top and the kids at the bottom don't seem to be getting any of that," says Schanzenbach.

Neal says that means that at a given point in time there are more than 25,000 Chicago Public Schools students being left behind by No Child Left Behind. *Beverly Scobell*

Native cultural items tell Illinois' story

A display of cultural objects representing more than 10,000 years of native life in Illinois is contained in a free exhibition at the University of Illinois. "The Archaeological Heritage of Illinois" is housed in the Krannert Art Museum in Champaign and runs through June 1, 2008.

More than 100 items tell a story of daily life over seven archaeological time periods in the history of Native Peoples, as many American Indians increasingly choose to be called. In the exhibit are food gathering and preparation tools, such as spear points, fish hooks, digging and weaving tools and cooking jars. There also are ornamental and ceremonial objects, such as bracelets, pipes and clay figurines.

Artifacts from one of the time periods, the Hopewell from about A.D. 50 to 200, show how extensive the trade routes were at the time. Found at Illinois sites are examples of obsidian from Wyoming, conch shells from the Gulf Coast, mica from the Appalachian Mountains of North Carolina, pearl necklaces from the Southeast and copper from the Great Lakes.

"These people were involved in a massive trade exchange," says Andy Fortier, special projects coordinator for the campus-based Illinois Transportation Archaeological Research Program, which sponsors the exhibit.

A few items are on loan from the Illinois State Museum in Springfield and Western Illinois University in Macomb, but most of the exhibit draws from the research program's collections. The program, a joint project of the Illinois Department of Transportation and the university, is dedicated to the preservation and protection of the state's historic and archaeological resources. *Beverly Scobell*

Photograph courtesy of the
Illinois Transportation
Archaeological Research Program



A Cahokia tri-notched tool point made of red chert, a flint-like material

A MATTER OF OPINION

Should Illinoisans get the recall option?

Political theorists and practitioners are starting to talk openly about giving Illinois voters a chance to recall elected officials. Being able to throw the rascals out at will is an idea seemingly more suited to states like California. Still, the idea gathered steam here through the summer as Illinois' governor and legislative leaders worked overtime to embarrass themselves. And, after all, 18 states allow their voters to recall state officials. Yes, they include California. But should they include Illinois? Brian Gaines says yes. Jim Nowlan says no. Their "debate" was published by *The State Journal-Register* in Springfield, the *Peoria Journal Star* and *The News-Gazette* in Urbana-Champaign. With the debaters' permission, we selected excerpts from the Springfield paper.

"Illinois voters have all the defects of modern electorates, but Illinois's politicians seem to have vices beyond the average, as evidenced not only by the inability of the current government to pass a budget but also by a long, sordid history of corruption and conviction. The Land of Lincoln can use more democracy, not less.

"Bring on recall!"

Brian Gaines is an associate professor of political science at the University of Illinois at Urbana-Champaign and a faculty member at the U of I's Institute of Government and Public Affairs.

"The theory underpinning our representative government holds that a relatively small number of qualified elected officials is better at making complex decisions than is a generally disengaged mass of voters.

"Voters are good at making big decisions, for example, that the country is headed in the wrong direction and change is needed. Voters are less capable on complex matters, especially on statewide issues where huge sums of money are often spent to propagandize an emotional issue."

Jim Nowlan is a former state representative and agency director. He's a senior fellow at the U of I institute.

HUMANITIES Chicago festival shines a light on climate change

At the end of the month, the Chicago Humanities Festival begins 16 days of programs wrapped around the theme of global climate disruption. "The Climate of Concern," including its Children's Humanities Festival counterpart, "When I Grow Up," features more than 140 programs at nearly 30 venues throughout downtown and in some city neighborhoods. It extends through one extra weekend this year. The festival begins October 27 and runs through November 11.

Through the disciplines of cultural criticism, film, history, literature, music, performance, philosophy, science and visual art, festival organizers have brought together artists, naturalists, philosophers, poets, scholars and scientists to speak to the questions surrounding apparent changes in global climate.

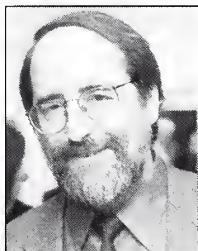
Lawrence Weschler, the artistic director of the festival, says the theme was chosen more than two years ago, before former Vice President Al Gore's movie *An Inconvenient Truth* came out and before the topic was "on everybody's radar." Still, he says, though people are more aware of global warming, it hasn't been made real to them. That's where the festival plays a part.

"When it comes to vision, that's the location of artists, musicians, playwrights. All kinds of people needed to be enlisted in a concentrated way," says Weschler.

To that end, in addition to gathering all the talent in the various fields, the festival commissioned six new one-act plays and the Great Barrier Reef visual art piece. Weschler believes the crocheted reef will become internationally emblematic of global warming, as the AIDS Memorial Quilt became for that cause. The reef project also served to include more Chicagoans in the festival preparation.

"We have people on Lake Shore Drive, we have millionaire ladies crocheting away, we have church groups on the

Photograph courtesy of the
Chicago Humanities Festival



Lawrence Weschler



Hunter Mountain, Twilight, 1866. Sanford Robinson Gifford, American, 1823-1880. Oil on canvas.

South Side" working on pieces of the reef, he says. "We have this wonderful cross-cultural, cross-class convening of people, all working on making this spectacular Chicago reef, what is growing into this international coral reef that's taking place."

The subtext of interconnectedness is also visible on the festival's Web site, www.chfestival.org, which is useful in finding who is where and when, and is

symbolic of the theme. A lecturer is linked to an artist, who may be linked to a scholar or a scientist, who is on a panel with a city official.

"It's one of the great ironies that the more technologically we seem to be able to get our act together in the virtual world," says Weschler, "the more the real world is getting away from us."

Beverley Scobell

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Made in ?

Global risk

Can America ensure the safety of imported goods? Pressure is increasing to step up national testing and border inspections

by Daniel C. Vock

When Americans sit down to eat dinner, likely one of the last things on their minds is where the meal came from. The answer could get complicated. A simple plate of spaghetti could contain tomatoes and bell peppers from Mexico, onions and spices from India, noodles made with Canadian grain and, yes, beef from the good ol' U.S. of A.

When it comes to consumer products — from toys to tires to T-shirts — identifying the source country is easier. A tag says “Made in the U.S.A.,” “A Product of France” or sometimes even “Hecho en Pakistan.” But with so many goods from so many countries, most folks have no clue how their possessions were made, whether they were inspected thoroughly or even whom to ask.

But when toys of childhood icons like Barbie, Batman, Thomas the Tank Engine, Dora the Explorer, Big Bird and Elmo are yanked from stores and called dangerous, it's hard not to notice.

“People used to think that buying the brand name, expensive toys was a seal of safety, but recent recalls have proven that false,” says Cara Smith, deputy chief of staff for Illinois Attorney General Lisa Madigan.

Nancy Cowles, executive director of Kids in Danger, a Chicago-based nonprofit group that advocates for safer products for children, says the rash of recalls is making life difficult for parents and other caregivers because there are so many flawed products being discovered.

An average of two products are withdrawn from the market every week, but there's no standard procedure for how recalls work. For example, some companies tell customers to bring the products back to the store, but others tell customers to throw the faulty products away, she says.

Products from China are under particular scrutiny. Magnetix toys with super-strong magnets killed one 2-year-old from the Seattle area and landed 27

other kids in the hospital with intestinal injuries. A Minneapolis boy died last year after swallowing a heart-shaped charm from a Reebok bracelet that turned out to be 99 percent lead. In response to the American outcry over the recalls, Chinese officials announced in September that they would ban the use of lead paint on toys.

The litany of tragic stories over the past year about Chinese products goes well beyond dangerous toys. It includes recalls of poisonous toothpaste, tainted seafood and tires that fall apart. China's products have accounted for the majority of all imported consumer product recalls, two-thirds of the 471 recalls in fiscal year 2006.

But China is not the only offender. In fact, when it comes to food and medical shipments, Mexico and India had more turned back at the border than China, according to congressional researchers.

Domestic products, especially food, can be dangerous, too. Three people died and 199 more got sick last year from California spinach contaminated with *E. coli*. Another 425 suffered from salmonella traced back to Peter Pan peanut butter made in Georgia. And, this summer, eight people were hospitalized for botulism they apparently contracted from eating canned chili and hot dog sauce, also made in Georgia.

Those failures raise serious questions about the United States' ability to prevent dangerous products from getting into the homes of American consumers.

Photograph courtesy of the office of U.S. Sen. Richard Durbin



U.S. Sen. Richard Durbin at a hearing last summer holds up a Magnetix toy like the one that was responsible for the death of a child in Seattle.

Concern over product safety led President Bush last summer to pick a group of key members of his Cabinet to recommend improvements.

Budget cuts in the administrations of Bill Clinton and George W. Bush mean that two key agencies that focus on food and consumer product safety are dealing with a surge in imports with fewer inspectors. Plus, Democrats complain, the agencies don't have enough power, such as the authority to issue a recall on their own.

Concern over product safety led President Bush last summer to pick a group of key members of his Cabinet to recommend improvements.

A quick look at the roster of that panel shows how complicated the task can be. The secretaries of the departments of Agriculture, Commerce, Health and Human Services, State and Transportation, plus the attorney general, are all on board. When it comes to just monitoring food, there are 12 federal agencies involved in enforcing 35 separate laws.

State and local authorities also play a role. For example, Illinois laws regarding lead poisoning and the safety of children's products give the attorney general authority to make sure retailers are pulling recalled toys from their shelves and posting notice of the danger.

Calls for stepped-up national testing and border inspections are increasing, especially because the U.S. Food and Drug Administration inspects just 1 percent of food coming into the country, down from 1.7 percent in 1996.

The agency has about 625 inspectors for food and another 260 for medicines, but food enters the United States through 326 ports. By contrast, the U.S. Department of Agriculture, which monitors meat imports, checks a fifth of those shipments in the 10 ports where meat is allowed to enter the United States.

But there are limits to how much inspection can be done.

"If you opened up every single shipment, it would be the end of our importation and global trade because we would literally have a line of container ships stretching from our ports all the way across the Atlantic and the Pacific; they wouldn't be getting in," Michael Chertoff, the secretary of the Department of Homeland Security and a member of the presidential panel, said last summer.

U.S. Health and Human Services Secretary Mike Leavitt, who heads the presidential panel and the agency that includes the FDA, said the efforts of FDA inspectors at U.S. ports need to be better focused. The FDA monitors roughly 80 percent of the nation's food supply. Using random inspections at ports is like trying to find a needle in a haystack, Leavitt told reporters, but if regulators are smart they can "shrink the haystack."

Leavitt didn't give specifics, but one way to shrink the haystack would be to give the FDA additional powers to work with producers overseas.

In other industries, foreign companies can work with U.S. regulators to prove they're following safe manufacturing practices before shipping their products. U.S. authorities then know those products are less likely to be harmful. In return, the trusted importers have to go through fewer regulatory hassles when their goods arrive in American ports.

But the FDA doesn't have the authority to do the same thing. That makes it harder to focus its limited resources on troublesome products. The idea of giving the FDA similar power is gaining steam in Washington, D.C., especially as health officials stress the need to know how food is handled "from field to fork."

"Rather than remaining a primary line of defense where we rely on testing at the point of entry, the border needs to be a checkpoint to make sure foreign firms have complied with health and safety requirements imposed along the supply chain," Scott Gottlieb said at last summer's congressional hearing. Gottlieb is a fellow at the American Enterprise Institute, a Washington, D.C., think tank supporting business interests.

The approach would jive with the health secretary's vision for the

"system of the future."

"If a consumer desired it — it's quite possible that we could then begin, at some point, to be able to see where things were produced, when they were picked, when they were processed, how they were shipped, the day they were processed, when they went to the grocery store, when it went to the distributor, when the person picked it up out of the grocery counter and took it home," Leavitt says.

"And if there's a problem, you could electronically notify them: You bought a can of X that had a problem on it, and here's what you can do."

That's a long way from the situation today. Although Congress passed a law in 2002 requiring foods to be labeled with their country of origin, those requirements haven't taken effect yet because of opposition from the food industry.

The result is that not even food manufacturers necessarily know where their ingredients are from.

While touring an FDA site in San Francisco, investigators for the U.S. House of Representatives witnessed the processing of wheat gluten from China. But the packaging for the 50-pound bags, including windmill logos, indicated it came from "Amsterdam-Holland." The investigators were told it was the importers' responsibility to tell its customers where the product came from; the agencies didn't have the authority.

Furthermore, the House team found that the FDA's decisions on which packages to inspect upon arrival were largely based on a computer program and the decisions at FDA headquarters — not the agents in the field. So the wheat proteins that went into the pet food that killed several cats and dogs and was recalled this year apparently were never inspected.

Domestically, the agency relies almost entirely on volunteer compliance. Exceptions are fish, citrus juice, low-acid canned fruit and baby formula. The FDA declined to issue strict rules for handling lettuce, spinach and other leafy crops, even though those crops grown in the Salinas Valley in California led to 10 outbreaks of food poisoning in the past 11 years, the investigators noted.

The counterpart to the FDA for



U.S. Sen. Richard Durbin, following a news conference on toy safety, visits Bright Horizons Day Care in Chicago.

consumer products is an obscure federal agency called the Consumer Product Safety Commission. It regulates more than 15,000 types of products, everything from kitchen stoves to bikes to bibs.

The imports the commission regulates were worth \$614 billion in 2006, with Chinese products accounting for 40 percent of that tally. In fact, China quadrupled its share of the American import market between 1997 and 2004. But Chinese products also are far and away the most likely to be recalled.

"These imports have strained the agency's resources and challenge us to find new ways to work to ensure the safety of imported products that enter the stream of commerce," the agency's acting director, Nancy Nord, told a Senate panel.

Like the FDA, the product safety commission must oversee the continued growth of imported products with fewer investigators and outdated equipment. It now has 401 employees, down from a high in 1980 of 978.

Its authority also is limited. It can only order a recall in cooperation with the product's manufacturer. And no federal law punishes retailers who sell products

once they've been recalled.

U.S. Sen. Richard Durbin, an Illinois Democrat, has frequently criticized the agency for not taking a more aggressive stance against Chinese importers with faulty products.

"What we're seeing is two different sets of standards that are putting our children at risk," Durbin said after meeting with toy retailers in Chicago.

"China has been trying to calm anxieties by noting that 99 percent of their toys are safe. Ninety-nine percent just won't do it when we're talking about the safety of our children. We need an agreement on a set of comprehensive safety standards and a [Consumer Product Safety Commission] that is up to the task of protecting consumers rather than diminishing expectations and reducing its role."

Durbin wants toys, clothing, car seats and all other products designed for kids 5 and under to be certified by an outside company, just as Underwriters Laboratories Inc. does for electronics. Others have suggested that food imports should be handled the same way.

Anita Weinberg, the director of Loyola University's child law policy and legislative programs, suggests that lead

paint should be banned outright in the United States. That type of law would send a clear signal to foreign manufacturers to not use the paint at all. But, Weinberg acknowledges, the ban could be tough to enforce. For example, she says, even Mattel Inc. believed it had imported toys that were free of lead paint until it discovered otherwise.

Apart from regulatory changes, there's also hope the market will punish unscrupulous manufacturers.

"This is a case where you can't entirely rely on enlightened self-interest, but it would be a mistake to overlook the very powerful tool that the marketplace gives you in driving quality," said Chertoff, the homeland security secretary.

"I think a lesson that American firms have learned over the years — which I suspect is being learned now around the world — is that it doesn't take very much to trash a brand. And once you've destroyed your brand, you've done yourself a lot of damage. And I think that's a lesson that's getting increasing velocity these times." □

Daniel C. Vock is a reporter for Washington, D.C.-based Stateline.org. He notes that information on product safety can be found at recalls.gov.

Booster shot?

The governor is now acting on his own to extend state health care subsidies. But he'll need to follow up with a funding source

by Bethany Jaeger

Gov. Rod Blagojevich launched his second term by declaring the state has a “moral obligation” to ensure Illinoisans have access to affordable and comprehensive health care.

The time is now, his administration says, regardless of the state’s compounding fiscal obligations and despite state lawmakers’ hesitancy to take on a massive expansion of health care. Citing recently released U.S. Census Bureau numbers, the governor’s office urges immediate action as fewer people were in poverty in 2006 than in 2005, but more people lacked health insurance.

“The numbers are going in the wrong direction,” says Krista Donahue, chief of policy at the Illinois Department of Healthcare and Family Services, which manages the governor’s health programs. “This issue is really hitting middle-income families. You don’t have to be poor to be without health care these days. Families can go bankrupt paying medical bills.”

The administration also cites a 2004 study by Harvard’s law and medical schools showing that in 2001 nearly half of bankruptcies studied in five states were caused by medical problems. Most of the 1,771 people surveyed filed for bankruptcy because of medical bills — despite having health insurance.

But the Blagojevich Administration doesn’t mention that the study also recommends drastically reforming the nation’s health policy by following Canada’s lead and enacting a single, public health insurance plan that replaces all private plans. “[States] need to take



politically very difficult steps,” says Dr. David Himmelstein, lead author of the study and associate professor of medicine at Harvard. “I think that there’s nothing short of a public insurance program that replaces private insurance that can do it.”

“Universal health care” in various forms is a hot-button issue debated by the nation’s presidential candidates, but Democrats proposing a type of universal health care disagree about how to pay for it and whether to require businesses and individuals to carry it.

Massachusetts, the first to enact such a mandate, serves as their only case study. The program started off with logistical problems in processing paperwork for all residents and determining which level of subsidy, if any, they qualify for, causing delays in coverage. Some Commonwealth residents are learning that so-called universal coverage doesn’t guarantee that the cost of health insurance goes down.

Massachusetts’ mandate also highlights the questions: How can the states and the feds define what’s affordable for families? What is the government’s responsibility in ensuring that all families, particularly those considered middle-income, can afford medical coverage?

Illinois takes the approach that in the absence of federal action, the state should help those middle-income families get access to comprehensive and affordable health care.

Blagojevich’s first-term claim to fame, the All Kids health insurance program, gained a national spotlight last year for being one of the first states to offer health insurance to all children. The state’s existing subsidy programs, KidCare and FamilyCare, already were available to uninsured children from low-income families, but the governor’s new All Kids program extended state-sponsored health insurance to children regardless of income and citizenship status. The administration eventually folded KidCare and FamilyCare into the All Kids program.

Blagojevich introduced All Kids in 2005 with few details but still won legislative approval by members of both political parties. The program subsidizes such services as medical and dental appointments for all children, but families pay monthly premiums and co-payments based on income, with higher-income

families paying near-market prices for other medical services. Some families with private insurance are eligible for a rebate from the state.

About 1.38 million children are enrolled in All Kids, according to the Department of Healthcare and Family Services. Most of those children are helped through Medicaid matching dollars, while 176,000 children are helped through a state and federal partnership called the State Children’s Health Insurance Program. But the majority of the state’s tab is covered by estimated cost-savings, about \$57 million a year, through requiring children to enroll in a type of primary care that emphasizes prevention and disease management. In its second year, more details have been worked out, but the effectiveness and cost of the program are still works in progress.

After laying the groundwork with All Kids, Blagojevich announced his second-term priority: to insure all adults. State lawmakers stymied his proposal for a new program, so the governor trimmed his plan to expand existing programs at less cost to the state. But it still lacks legislative support and a continuous funding source. Blagojevich isn’t letting that stop him, and his actions throughout this year’s record overtime session show he’ll do most anything to expand health care.

“I will do what I can, through executive authority, to take care of some of the most pressing needs that were left out of the budget,” he said in an August statement shortly after the legislature approved a state budget without earmarking money for his health care plan.

To expand existing subsidy programs without legislative approval, Blagojevich will have to change some state rules. That means some initiatives will be subject to review by a state rulemaking committee made up of lawmakers from both political parties. And because lawmakers didn’t fund the expansion, it’s questionable how the state can pay for it in years to come.

The governor’s original proposal gained support from labor and teachers’ unions, Chicago ministers, small businesses and many grassroots organizations advocating for children or the elderly. But the plan never got off the ground after it was unveiled last spring. It bombed in the House because Blagojevich wanted

What he plans

Gov. Rod Blagojevich says he’ll use executive authority to expand existing health care programs for adults because lawmakers excluded his plan from the state budget. His plan would cost a total of \$463 million in the first year, he says. Here’s a sample of what the governor hopes to implement:

All Kids for young adults Adults age 19 to 21 who have chronic illnesses would otherwise be too old for the state program but are unlikely to be able to afford the private insurance plans that cover pre-existing conditions. The administration says the extension of All Kids doesn’t need review by the Joint Committee on Administrative Rules and would cost about \$15 million in the first year.

Rebates The administration says it doesn’t need committee review to issue rebates to families who are below 300 percent of the federal poverty level, or a family of four making nearly \$62,000 a year. They would get a check worth 20 percent of the annual cost of their health insurance premiums or up to \$1,000 a year. That’s expected to cost Illinois \$155 million in the first year.

Breast and cervical cancer care The administration is still analyzing whether an expansion of an existing breast and cervical cancer screening and treatment program would need review by the committee. The administration estimates it potentially would help up to 261,000 women at a cost of \$50 million to the state.

FamilyCare for middle-incomes Blagojevich would expand a state-run program, FamilyCare, to assist middle-income families who are at about 400 percent of the federal poverty level, or a family of four making \$82,600 a year. By administration estimates, the initiative could help about 147,000 people at a cost of \$43 million to the state and would need review by the rulemaking committee.

Medicaid for single adults The state program would help very low-income adults who don’t qualify for Medicaid because they don’t have any dependents in the household. They would get help with primary care, medications and hospital visits. Cost? \$200 million in the first year.

Bethany Jaeger

Like All Kids, the governor's new health care expansion lacks a specific funding source. That means the General Assembly will have to decide each year how to shuffle general revenue in order to fund the state's priorities, whatever they may be.

to fund it by levying what has been called the largest tax increase in Illinois history. He also proposed a tax on businesses that employ more than 10 people but don't offer health benefits.

State Rep. Rosemary Mulligan, a Des Plaines Republican, said the plan to offer state-sponsored health insurance to adults initially had potential, but frustration swelled as lawmakers realized the governor wouldn't back down from the unpopular business taxes.

Blagojevich never gave up. As late as this summer, he used health care as his ultimatum for signing a much-delayed state budget. When the General Assembly again denied his health care initiatives in their final spending plan, Blagojevich announced he would cut spending and change state rules to implement a scaled-back health plan anyway.

"It was not a priority for many [lawmakers] when they put together a budget," says Abby Ottenhoff, the governor's spokeswoman. "We will work within the budget that they did pass, set some new priorities and make sure that we can expand coverage to half a million more people. And in the long run we'll continue to make sure every person in Illinois can get health care."

Blagojevich used his veto pen to cut \$470 million, according to the Center for Budget and Tax Accountability, more than enough to cover the estimated first-year costs of his health care expansion. The administration says the projects that lost funding weren't items the state could afford or didn't reflect the primary role of state government. The projects saved from the budget ax, however, included those sought by Democrats and Republicans serving on the legislative rulemaking panel. The Joint Committee on Administrative Rules is made up of six Democrats and six Republicans.

Mulligan is one Republican committee member whose district projects were spared from the cuts.

"He crafted a budget so that he left things in and out so people would have to beg or be beholden to him," she says. "He put everyone in JCAR in an ethical box, or an unethical box. How will people know we're voting for something because it's legitimate and we should be able to vote for it?"

Ottenhoff denies the governor's office

had political motivations for saving those particular projects and says, "The governor also took into consideration who's been eager to support the right priorities."

She adds that members of the rulemaking committee should consider that they enjoy state health benefits at the taxpayers' expense. "These are issues that JCAR should weigh on their merits. And some of the things we're doing, such as an expansion of FamilyCare, are things that JCAR has already considered and approved in the past, so we'd hope that they will look at the goals and what the benefits are for people who need health care."

The Joint Committee could have to review the agency's proposed parameters of the programs, the reimbursement rates for providers and the income guidelines for beneficiaries.

"The bottom line is, what are the rules going to be, and what is it going to cost? Where's he's coming up with the money?" asks Mulligan. She adds that she wants to avoid a repeat of All Kids.

In that program, details didn't come out until late in the 2005 session. The committee approved the rules, and the administration implemented the first phase in July 2006.

Like All Kids, the governor's new health care expansion lacks a specific funding source. That means the General Assembly will have to decide each year how to shuffle general revenue in order to fund the state's priorities, whatever they may be.

"As the governor likes to say, any budget is really a moral document, and it outlines what the state's priorities are," Ottenhoff says. "And the funding follows those priorities."

Mulligan says the lack of dedicated state funding essentially creates an "open-ended entitlement program" with an obligation to pay for the health benefits regardless of whether the state has enough general revenue that year.

"I think the question is, if he's expanding a program but there's no appropriation for it, can he just go ahead and do that?" Mulligan says. "They got away with it with All Kids, but some of this is new and it's quite expensive."

Blagojevich's plan aims to help about 500,000 people. The first portion announced last month would extend

All Kids to 19- to 21-year-olds who have chronic illnesses. Otherwise, they are too old for All Kids but are unlikely to be able to afford the private insurance plans that cover pre-existing conditions. According to the administration, the All Kids expansion doesn't need review by the Joint Committee. It's expected to cost about \$15 million in the first year.

One initiative that would need review by the rulemaking committee would expand a state-run program, FamilyCare, to assist families whose incomes are 400 percent of the federal poverty level. That's a family of four making about \$82,600 a year, which is up from the 150 percent of the poverty level threshold. By administration estimates, the initiative could help about 147,000 people at a cost of \$43 million to the state.

Expanding state-sponsored health care to middle-income adults is deemed irresponsible by opponents but necessary by supporters, such as Jim Duffett, executive director of the Illinois Campaign for Better Health Care, a nonprofit organization based in Champaign. The group advocated for Blagojevich's more aggressive original plan, but it's still on board with the scaled-back version. Duffett says the revised plan at least lays the framework for covering the uninsured at the same time it contains costs.

A family of four making about \$82,000, he says, could still have trouble paying for a bare bones policy.

"If [you] end up netting \$50,000 or \$55,000, and you're paying \$12,000, \$13,000, \$14,000 [a year] for health insurance, you can't do it. There's got to be some avenue to help them. At least this expansion on FamilyCare definitely gives people an opportunity to access health care."

Even if the Joint Committee objects to the income guidelines or any other part of the governor's health care expansion, the rules could still become law eventually. The process allows the committee to suspend the rules so the administration can gather more information, erase the problematic parts or take a different approach. Either way, the committee's decisions are rarely permanent, says Vicki Thomas, the panel's executive director.

"The whole point is to keep adoption at

bay long enough that the problems can be worked out," she says.

Still, if any problems were to be ironed out and the expansion rolled out next year, the long-term outlook could complicate the decision-making process.

Blagojevich's determination to expand health care comes at a time when financial reports are raising concerns about the state's ongoing fiscal obligations, such as the increasing costs of Medicaid, public employee pensions and retirees' health care.

Because the state's economic health affects the number of people seeking public assistance, recent data could give pause.

Edward Boss, chief economist for the state's Commission on Government Forecasting and Accountability, says the state economy showed signs of weakness in the first seven months of the year. Unemployment rates exceeded federal rates and the state's revenue from sales tax receipts slowed.

"We've seen [revenues] above expectations in [the] corporate and personal income tax, meaning employment's been all right," he says. "But when you start seeing the sales tax, which is more current, that's a worrisome problem."

This provides a warning when it comes to gauging the long-term impact of new programs, he says.

"When you look at the Illinois economy and you look at major new proposals that are being proposed, you have to look at an economy that is starting to show some deterioration."

But the time is now, according to the administration.

"There's a real opportunity now because more and more states are stepping up to the plate because the federal government is not addressing this important issue," says Donahue of the Illinois Department of Healthcare and Family Services.

"The timing really is right with Massachusetts having done [its] statewide reform, and at least five other states are considering statewide reform. [And] each year the Census comes out with more and more numbers saying the numbers are going in the wrong direction. There is no other time." □

National debate

The state and federal program subsidizing health insurance for low- to middle-income families is scheduled to expire September 30, but Congress is debating ways to change the State Children's Health Insurance Program to insure more people. The chambers have to agree on the same language before it can be sent to President George W. Bush, but the debate poses difficult policy questions on what's affordable for families. Congress also has to agree on what the federal government's responsibility is in containing costs while providing federal matching funds to states trying to help some of the 9 million uninsured Americans.

The Bush Administration already denied New York's effort to expand so-called SCHIP funding to children from middle-income families. The move could set a precedent for the way states can use that federal funding, which would make it harder for Illinois Gov. Rod Blagojevich to meet his goal of expanding subsidized health care to more children and adults in this state.

Under existing federal rules, SCHIP subsidizes medical coverage for low-income children who are uninsured but who don't qualify for Medicaid. Enacted in 1997, it typically applies to children from families at about 200 percent of the federal poverty level, or a family of four making \$41,300 a year.

States have taken advantage of flexible rules to administer the program and expand coverage to parents and pregnant women, according to the Kaiser Family Foundation. In Illinois, SCHIP is already one funding source for Blagojevich's All Kids health insurance program that offers primary care case management to all children in the state.

The Bush Administration's new guidelines issued in August limit states' flexibility in using SCHIP funding to insure families above 250 percent of the federal poverty level, or a family of four making \$51,625 a year.

The Blagojevich Administration doesn't like that approach. It ties the hands of the states, says Abby Ottenhoff, the governor's spokeswoman. "Any movement by the Bush Administration to take flexibility away from states makes it harder for us to meet the needs of our own populations." *Bethany Jaeger*

Manna from Decatur

Corn ethanol has been described as almost a religion in the Midwest. But it promises more than it can deliver

Essay by James Krohe Jr.

Our wise heads in Washington, D.C., and Springfield have come up with a novel way to keep the cars running — convert taxpayers' cash into ethanol. Patriots have embraced it as a substitute for foreign oil, greens as a substitute for planet-killing fossil fuels, politicians as a substitute for a liquid fuels policy and engineers as a bridge fuel until they figure out how to make fuel from switchgrass or discarded chewing gum or old Victoria's Secrets catalogs. As a result, corn ethanol enjoys broader public favor than married sex or the Bill of Rights.

As a domestic alternative to "foreign" oil, corn ethanol is undeniably patriotic. (What could be more American than corn?) Unfortunately, corn ethanol output is a puddle compared to the oceans of gasoline Americans burn each year. Total U.S. ethanol production capacity will soon hit a bit more than 4 billion gallons of gasoline equivalent; annual gasoline consumption in this country runs to some 140 billion gallons. An energy specialist with the Illinois Department of Commerce and Economic Opportunity was quoted in this magazine last year as saying that increased use of ethanol should contribute to lower prices as consumers rely less on volatile crude oil. This is a little like saying that increased use of their cars should contribute to less road congestion in Chicago as commuters ride less on an unreliable CTA. Basing a nation's motor fuel supply on a raw material whose abundance depends on Midwestern weather — well, OPEC has its storms, but at least their sheiks don't lose oil to droughts or spring

floods or corn blight. And ethanol not only costs more to make, the cost goes up as more is made because the price of corn tends to rise with demand — as it did earlier this year.

It is fantasy that we can grow all our nation's motor fuel. Yes, we have lots of land, but not much of it is suitable to corn, and corn has lots of uses other than getting Mom to the mall. Even assuming good weather — and further assuming perfectly compliant farmers, and that it doesn't take more oil to make ethanol than it saves, and that the world finds something else to feed its chickens and hogs and cattle — most estimates agree that even the entire U.S. corn crop could provide less than 20 percent of the nation's oil needs. That's not

Photograph by Robb Kiser, courtesy of morguefile.com



insignificant, but simply inflating the nation's car tires to the proper pressure and boosting the fuel efficiency a bit would save as much and at much lower cost.

Corn ethanol would be a poor oil substitute even if it were available in reliably large amounts. It costs more to make and to buy than gasoline, and at best it returns only modest energy savings compared to gasoline and real but modest benefits in terms of air pollution and greenhouse gas emissions.

The last are important, of course, but some of us are more concerned that becoming the Saudi Arabia of corn ethanol might pose other, local environmental costs. Corn is one of the most energy-intensive and water-intensive crops there is. Planting more of it means more land farmed, and farmed harder, with the risk of topsoil loss and lakes filled with mud or turned into algae soup by excess nutrients washed into them from fields. And while oil refining pollutes, too, the effects of corn cultivation, while relatively benign, affect vastly more land — and sea. In July it was reported that the summertime "dead zone" of oxygen depletion in the Gulf of Mexico is expected to reach its largest extent ever; scientists speculate that the ethanol-driven increase in corn production may explain it.

The costs are not only environmental. Americans, as motorists and taxpayers, subsidize the corn ethanol industry by anywhere from five to 10 billion bucks a year, depending. For example, geezers who still can might recall that ethanol was a child of the 1970s oil crisis (actually, crises). The United States had a great deal



of corn, and not a whole lot of oil. To encourage the use of ethanol as an oil substitute, Congress in 1978 agreed to give a federal tax credit to refiners and marketers of gasoline that contained ethanol.

The credit, which has been renewed periodically ever since, and extends in its present form until 2010, is 51 cents per gallon of ethanol used. The subsidy was intended to help stimulate demand until the ethanol industry could get on its feet. That was nearly 30 years ago, and the industry has yet to take a step without a helping hand. The credit's backers argue that some subsidy is still needed because it still costs more to process the stuff than it does to process gasoline, but that is a better argument for not making it at all.

Cheaper ethanol can be had. The problem is that the people who make it don't belong to the Farm Bureau. Brazil's tropical climate allows that nation to produce ethanol from sugar cane, which is cheaper than corn ethanol, packs more energy punch per gallon and is easier on the environment, assuming farmers don't clear forests to grow it. Alas for motorists, Congress during President Jimmy Carter's administration slapped a tariff on imported ethanol to protect the infant industry in this country. At 54 cents a gallon, the tariff

prices Brazilian ethanol out of the U.S. market.

Both Illinois U.S. senators voted last year to extend the tariff, arguing that imports are not needed because "domestic ethanol production is sufficient and expanding." Expanding? Bloated might be more accurate, considering that it has been crammed with price subsidies and tax subsidies and artificial demand in the form of mandated blends and spared strenuous competition from leaner producers.

In the case of motor fuels, however, the much-hoped-for clean and efficient future, if it comes at all, will not come for many years. Cellulosic ethanol technologies have been tinkered with for 30 years and are more expensive to make at present than their corn-based cousin — which is why there is not one commercial-scale cellulosic plant in operation. As Robert Bryce writes in *Slate*, the online magazine, cellulosic ethanol is like the tooth fairy: Many people believe in it, but no one actually sees it.

As the solution to Illinois grain farmers' chronic economic droughts, ethanol also promises more than it delivers. Corn ethanol has been described as "almost a religion" in the Midwest. That exaggerates, but ethanol has been greeted by

many as manna from heaven (well, from Decatur, where corn processing giant ADM is located), sent to sustain farmers exiled in the financial desert. Ethanol is now a major new market for corn — distilleries consume a fifth of the country's corn crop, and a big part of that is grown in Illinois — which for a time pushed corn prices above \$4 a bushel.

That set farmers to making corn while the sun shines. The state's farmers planted a record 13.2 million acres of corn this year. Whether this will prove wise remains to be seen. High prices seldom survive after the harvest of a big planting, and storing and moving such great piles of the stuff is always a challenge. But farmers are famously hopeful people — who else but an optimist would invest in real estate in rural counties?

The corn market in this country is not a creature of the free market but of Congress. A new five-year farm bill, now being cobbled together by federal lawmakers, has implications for the corn ethanol market. The previous bill, approved in 2002, included provisions for alternative, farm-based energy grants and loans for research and pilot projects, but the biggest prop it provided to corn ethanol was the Commodity Title, which kept



the price of corn low by encouraging overproduction.

For years, the official aim of farm bills was to guarantee food security (although in fact it was to guarantee farm state congressmen's security in office). The new farm bill as drafted has energy security as its official aim. It would (as one commentator put it) make farms rather than oil refineries the focus of U.S. energy policy. That's essential, because the rest of the world has learned how to grow its own food, and there are limits to how many fructose-sweetened soft drinks even Americans can drink.

Some groups on the fringes of the debate hoped that the new bill might reorient commodity policies so as to encourage production of perennial crops for energy, thus nudging both the nation's ag and energy systems toward sustainability. Fat chance. There are elections coming up, so the major crop commodity system is to be left essentially unchanged.

Even at a guaranteed price, however, there is no real money in supplying raw materials to the ADMs of the world. The real money is in processing, which is why farmers and farm co-ops have been such

eager investors in ethanol plants. In this they are aping their farming ancestors. At harvest time 150 years ago, Illinois corn didn't fetch what it cost to ship it either, so farmers converted it into higher-value products like bacon or booze. As of May of this year, farmer-owned agro-fuel plants accounted for some 60 percent of U.S. agro-fuels plants and production capacity (most of which is devoted to corn ethanol), and corporate interests owned the other 40 percent.

But that's gold in them thar fields, at least for the moment, which is why non-farmers who never got closer to a combine than driving past one while on an interstate are getting into the game. A survey by FoodFirst, the self-styled institute for food and development policy, found that nearly nine in 10 of the 86 plants currently under construction are owned by large corporations. These investors have access to capital that allows them to build bigger plants (up to three times the capacity of the typical farmer-owner plant) that will push the farmer-owned percentage of total capacity below 20 percent.

Farmers could get squeezed out of the production game, as well. If corn ethanol becomes a true alternative to gasoline, the

oil companies — already diversifying into new energy technologies — might well begin to invest in farmland the way they now invest in oil fields. The ethanol boom has pushed up corn prices a few cents — for the moment — but the real money is being made by the Monsantos and ADMs.

The New York Times summed up a likely midterm future in a recent editorial, which posed the question, "Will [ethanol] finally kill American farming as we know it?" The newspaper envisions a Midwest monocropped for fuel corn and other fuel feedstocks on land bought up by energy suppliers. "American farming is poised on the brink of true industrialization," warned the *Times*, "creating a landscape driven by energy production and what is now called biorefining." Under such a scenario, Illinois grain farming, already industrial in methods, might become industrial in terms of ownership, too. Farming's energy future may mean becoming something like the state's coal industry, with farmers reduced to the role of miners, working for a wage for energy conglomerates. □

James Krobe Jr. is a frequent contributor to Illinois Issues and a veteran commentator on public policy.

Is sex ed a no-no?

Federal funders say so and are offering grants for abstinence-only programs. But some states no longer take the money

by Maura Kelly Lannan

When 18-year-old Taylor Moore of Chicago participated in abstinence-only programs during seventh and eighth grades, the message she heard reinforced what she had already decided — that she would wait until she was married to have sex.

The classes helped Moore realize that her decision was right for her. She says avoiding sex would help her achieve her goals. “Waiting doesn’t take anything away from you; in fact, waiting adds to you. Knowing that you don’t have to worry about diseases, heartache, heartbreak or just not having to deal with drama is a wonderful thing,” Moore says. “I know that there is a bright future ahead of me, and I don’t want to do anything that will keep me from reaching my highest potential.”

Moore started working with an Illinois-based abstinence education group to help spread its message. Now a freshman at the University of Illinois at Urbana-Champaign, Moore wants to start an abstinence-only club on campus.

Meanwhile, Mayadet Patitucci of Chicago fought to have such abstinence-only programs removed from her Chicago high school after studying their content during her sophomore year.

The 19-year-old, who takes classes at Harold Washington College, found that the programs offered incorrect information about sexually transmitted diseases and the effectiveness of condoms.

“It seemed it was based more on fear tactics than on wanting to educate students for their well-being,” Patitucci says. “People should have a right to information and to know how to protect themselves.”

She says she brought her findings to the local school council, which gave her funds

to buy more comprehensive sex education resources for her school. She continued to spread her message through meetings and rallies, and her work prompted the Chicago Public Schools to establish a comprehensive sex education policy last year.

Moore and Patitucci are on opposite ends of a debate occurring throughout the United States over whether schools should teach abstinence-only education or comprehensive sex education.

Backers of abstinence-only education say their approach is the only way to ensure teenagers remain healthy — free from any sexually transmitted diseases or unwanted pregnancies — while staying focused on their goals. Backers of comprehensive sex education stress that their approach includes an abstinence message, but also teaches teenagers about contraception and condoms so that they are fully informed as well as healthy.

Congress, meanwhile, has become involved in the debate as its members consider whether or how to fund abstinence-only programs through three avenues. Lawmakers are considering whether to renew one abstinence-only grant to states and how much to set aside for two other abstinence-only programs. There is no dedicated federal funding stream for comprehensive sex education.

The U.S. Department of Health and Human Services administers an annual \$50 million grant to states for abstinence education through Section 510 of Title V of the Social Security Act. The grant, which was first awarded in November 1997, is scheduled to expire at the end of September, and Congress has not decided whether it should be renewed.

At least nine states no longer accept

money from the grant, according to the federal department. Illinois still takes the Title V money and received about \$1.8 million from the program this federal fiscal year, says Tom Green, spokesman for the state Department of Human Services. The state then doles out the money to community-based agencies that apply.

The Illinois PTA wants Illinois to reject the federal Title V money for abstinence education. “They’re not providing enough information to the young people to be able to make good decisions for themselves,” says Arlene Zielke, federal legislation consultant. Her group wrote letters to Gov. Rod Blagojevich in May and August to urge him to reject the federal funds but got no response.

There are no plans to reject the money, Green says. “Abstinence education is part of the overall program, part of the overall prevention effort,” he says. “Abstinence education has a role to play in the overall health development strategy.”

President George W. Bush supports abstinence education. The benefits touted by his administration include a decline in teen pregnancy rates. They have dropped during the past 10 years. Also, the number of school-age children who are not sexually active is now in the majority, says Tara Wall, spokeswoman for the Administration for Children and Families division of the U.S. Department of Health and Human Services.

“These are voluntary [abstinence-only education] programs that teens and parents overwhelmingly support and ask for. It’s important to continue to provide this option to those who want it,” Wall says.

U.S. Sen. Richard Durbin, a Democrat from Illinois, says he believes abstinence is

important but points to a recent study that showed abstinence-only programs have no effect on abstinence among students who took the programs when compared with others who did not.

"I want to put money in programs that work," Durbin says. "There really has to be an approach which includes three things," he says, citing abstinence and encouraging monogamous relationships and the use of birth control. "I think that's a reasonable way to approach it."

States are required to match 75 percent of the Title V funds, but Illinois does not. Instead, groups that receive the grants raise funds to match the Title V money, grantees say.

The program requires states that accept the money to follow abstinence-only curricula that meet an eight-point definition, which includes teaching school-age children that sexual activity inside marriage is the standard and noting that abstinence is the only guaranteed way to avoid out-of-wedlock pregnancy.

Two other abstinence-only programs funded by the federal government and administered by the U.S. Department of Health and Human Services are part of the ongoing appropriations process. The final funding amount for each has not been determined.

One, the Community-Based Abstinence Education Program, which requires that recipients of funds also follow the eight-point definitions as outlined for the Title V rules, provides money directly to community groups that apply. Four Illinois organizations received about \$2.65 million during fiscal years 2005 and 2006, Wall says. The fiscal year 2007 grants have not been awarded yet.

There is no matching requirement for the grants, which are given for five-year periods. Nationally, in fiscal year 2006, 158 grantees received about \$113 million, the department says.

Earlier this year, the House Appropriations Committee increased funding for the

program, but the Senate Appropriations Committee decreased funding for it. The outcome is yet to be determined.

The other, part of the department's Adolescent Family Life program, awards money for up to five years to public and private community agencies to promote abstinence. The Lake County Health Department, which received \$225,000 this year for its Teens Taking Charge program, is the only grantee in Illinois for this program this fiscal year, the department says.

A study of students in four abstinence education programs, conducted for the U.S. Department of Health and Human Services by Mathematica Policy Research Inc. and released in April, found no difference in the age at which those students who participated in abstinence education started having sex compared with others, says Ken Fortson, a researcher for Mathematica and one of six co-authors of the study. It also found no difference between the two groups in the number of sexual partners students had, he says.

However, the study also found that youth

in the abstinence education programs were no more likely to have unprotected sex than others who did not participate in the programs, he says.

The study tracked students for about five years, Fortson says.

Supporters of comprehensive sex education argue the study shows that their approach is best. "The evidence is clearly in on these programs, and they do not work," says William Smith, vice president for public policy for the Sexuality Information and Education Council of the United States. "And they're indicating it's time for a new direction."

Comprehensive sex education gives students enough information about where to buy and how to use condoms and contraception so they can make informed choices, Smith says.

In contrast, comprehensive sex education backers say abstinence-only programs only discuss failure rates of condoms. "We believe it is morally wrong to have an 18-year-old who may be sexually active and not tell them how effective condoms can be to protect their health and their lives," says Smith, whose

group works to ensure people have access to information about sexuality.

He says students who take comprehensive sex education classes are not more likely to have sex when compared with those who took abstinence-only education. "They wait longer, they have about the same amount of sex and they're better users of contraception. It doesn't get better than that."

Jonathan Stacks, director of sex education initiatives with the Illinois Caucus for Adolescent Health, says his group is not opposed to teaching abstinence as long as it is within a more comprehensive approach to sex education that includes discussions on healthy relationships, anatomy, how to get tested for sexually transmitted diseases and how to get contraception.

He thinks abstinence-only

The federal rules

Three abstinence-only programs administered by the U.S. Department of Health and Human Services require states that accept the money to follow abstinence-only curricula that meet an eight-point definition. Abstinence education is defined as an educational or motivational program that:

1. Has as its exclusive purpose, teaching the social, psychological and health gains to be realized by abstaining from sexual activity;
2. Teaches abstinence from sexual activity outside marriage as the expected standard for all school-age children;
3. Teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases and other associated health problems;
4. Teaches that a mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity;
5. Teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects;
6. Teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child's parents and society;
7. Teaches young people how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances;
8. Teaches the importance of attaining self-sufficiency before engaging in sexual activity.

Maura Kelly Lannan

programs send mixed messages to students who might not use or trust contraception or condoms when they become sexually active because the abstinence-only programs taught them that those forms of contraception do not work.

"The reality is that young people need all kinds of skills and information to make responsible decisions for themselves and their bodies throughout their lifetime," says Stacks, whose

Chicago-based group was a co-founder of the Illinois Campaign for Responsible Sex Education that consists of various Illinois organizations.

"If we only teach about abstinence and don't cover the full scope that young people need, then we're doing a disservice to young people and to parents," Stacks says.

At Planned Parenthood in downstate Champaign, about 15 teenagers are trained to give comprehensive sex education presentations in classrooms. Staff members are present also. "I think it helps kids make really healthy choices," says Kathie Spegal, director of education and public affairs at Planned Parenthood in Champaign. "Kids see a lot of information, and some of it is accurate and some of it is not. They need to know how to protect themselves from teen pregnancy and [sexually transmitted infections]."

But pro-abstinence education groups say comprehensive sex education programs send mixed messages to students. For example, suburban Glenview-based Project Reality, which provides training resources and materials that promote abstinence to schools and organizations, does not show students how to use condoms.

"If you're trying to teach a child the healthiest behavior, why would you teach them the opposite of what you really want them to do?" says Libby Macke, director of Project Reality.

Her group, which convened the Illinois Abstinence Coalition that is made up of abstinence education organizations, stresses that the healthiest choice for students is to abstain from sex and teaches students how to build healthy relationships and set goals for themselves.



"Most public schools talk about contraception, but what they don't talk about is how can teens say, 'No,' and feel like they've still got friends left at the end of the day or date [their] boyfriend and not have sex," Macke says. "What we're really trying to do as educators is not necessarily go into school districts and say, 'You can't teach this and this,' but say, 'No matter what you teach, you need to make sure first that you teach a strong abstinence message, and that should be separated from a comprehensive sex education program.'"

She acknowledges her group's materials discuss failure rates of contraception, but says teachers of those materials also will answer questions about contraception if students ask. She says comprehensive sex education programs pay "more lip service to abstinence and the bulk of the time is spent talking about contraception or other types of behaviors rather than abstinence."

Project Reality's materials focus on abstinence as well as career planning, self-esteem and relationship building for youth, Macke says. "We're basically saying to kids, 'Sex is something that can wait because you've got goals to pursue. You won't want to get your dreams stolen away by going through being a teen mom or getting a sexually transmitted disease like HIV/AIDS.'"

Valerie Huber, executive director of the National Abstinence Education Association, says the federal study that showed no behavioral differences among students who had taken abstinence-only classes looked only at the beginning of the programs.

"They knew the topic they wanted to share — abstinence — but they didn't know the best way to share it," Huber

says, adding that the programs were taught in late elementary and middle school but not again in high school. "There needs to be a continuous reinforcement of the message."

Huber, whose Washington, D.C.-based group's membership consists mostly of abstinence organizations, says abstinence education is "not a 'Just say no,' message. It's really holistic."

Marissa DeWeese, 17, a high school senior from

Springfield, has taken an abstinence-only program at school and a comprehensive sex education program through her church, the Abraham Lincoln Unitarian Universalist Congregation. DeWeese says she learned more from the comprehensive sex education program.

"It told me more about what sex was, and it covered the subject more so that I knew more about it, so that, if I were to face it ever, I'll have an idea of what I'm doing," DeWeese says.

"With abstinence, it teaches you just abstinence. With comprehensive sex education, it does abstinence and everything else, too. It's not like you're losing the abstinence. You're telling more information to the people that won't necessarily choose that path," she says. "Abstinence might work for some people, but not everyone is going to do abstinence, and they need to be educated on what they should do."

Her mother, Diana DeWeese, a past president of her local Planned Parenthood, promotes comprehensive sex education and wants more states to reject the federal funding for abstinence-only education. She also says states should provide money in their budgets so there is training for health educators in comprehensive sex education and curricula readily available that is medically accurate.

"Abstinence should be an option, but it shouldn't be the only option that's taught," Diana DeWeese says. "Kids need to know everything." □

Maura Kelly Lannan is a Washington, D.C.-based freelance writer who previously covered politics and government for The Associated Press in Chicago.

Baseball matters

Warriors do not play frivolous games,
or at least they do not play them frivolously

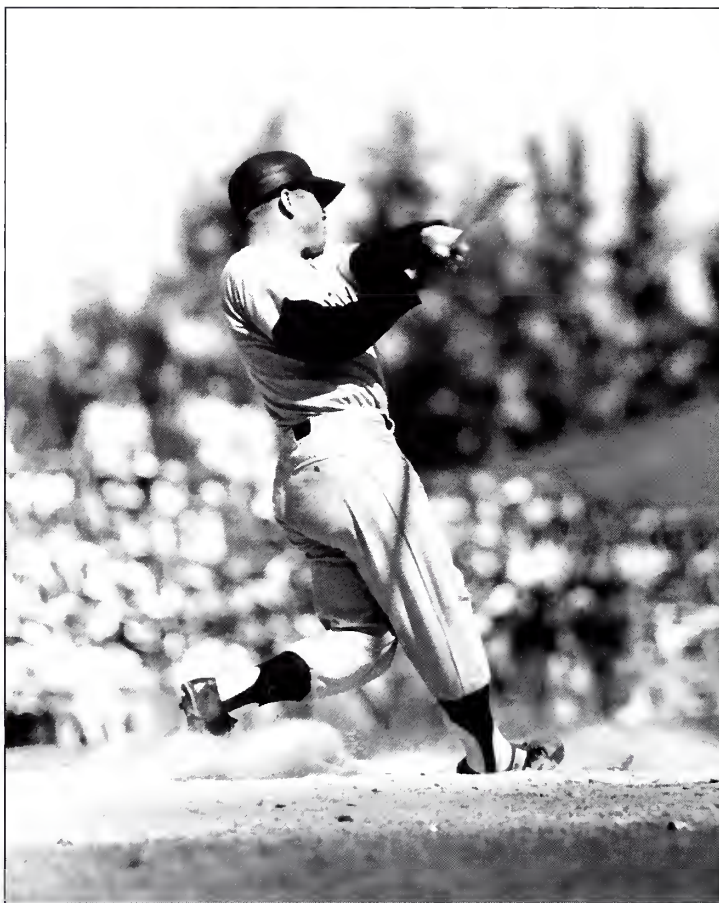
Essay by Robert Kuhn McGregor

Photograph courtesy of the National Baseball Hall of Fame Library, Cooperstown, N.Y.

There is some element of risk in asking a man with a long memory and far too much education to write about baseball. Politics and history and the environment may raise the hackles, but only a serious subject can provoke a truly prolonged emotional outburst.

I have followed baseball with varying degrees of intensity for much of my life, running hot in one decade as pennant races took unexpected turns, veering to extreme cold in the next as repeated strikes exacted their toll. I will not go so far as to admit how old a baseball fanatic this makes me; I will say only that I can vividly recall witnessing Mickey Mantle hit a home run to win a game against the Cleveland Indians. Mantle was in his prime.

I suppose the most difficult aspect of devoting real attention to this child's game is the soul-numbing responsibility of rooting for one team or another. No real baseball fan simply watches the games for the entertainment — the life-or-death aspect of cheering on a favored team is really the essential ingredient. Over the years, it is hard enough to watch the favorites bumble through unbelievable ineptitude, punctuated perhaps by occasional bouts of actual winning. The odds are against you; there



Yankee Mickey Mantle at bat

are 29 other teams.

Even harder than the losing are the calculated insults ownership foists on long-suffering fans. I actually changed teams once — management made a series of moves so brutal that I threw up my hands in despair. And then the Orioles, my new team, pulled moves still worse. Then came the last big strike in the mid-1990s. Like a lot of folks,

I drifted for a good while after that.

Certainly, Major League Baseball is guilty of insulting the intelligence of its entire fan base at one time or another — there is no point in denying that. The game prides itself on its long traditions, the fabled accomplishments of John McGraw, the unparalleled power and charm of Babe Ruth, the quiet dignity of Lou Gehrig, the pure artistry of Willie Mays. Yet the modern game seems to go out of its way to eradicate historical associations root and branch. Cincinnati will never open a season again, the holiday double header is a thing of the past and the leagues are no longer a mystery to each other — 10 percent of the schedule is interleague play. Playoffs have become greedily interminable and face the threat of snow-outs, and I needn't speak of the sanctity of long-revered records. The

cheating is front-page news.

Yet baseball still fascinates, at so many levels. I have researched a great many topics in a long career as a historian, have written books on subjects as diverse as nature study, mystery writing and Prehistoric American life. Now I find myself drifting back to my childhood interest, to baseball, to the essence of what was once called America's pastime.

The rich and well-documented lore of the game is difficult for the historian in me to ignore, the opportunity to contrast yesterday and today very enticing. Baseball is a multilayered game; there is much to discuss.

Baseball at the strategic level is especially intriguing. At the tactical level — the actual playing of the game — matters can and do become a bit formulaic and dull. Bringing in that sixth left-handed reliever in the eighth inning when you're down by six and the game is already four hours old can get a little stale. (Please, somebody with common sense, abolish the "save" statistic. The whole game will change for the better.) Games used to be much shorter, but they were formulaic in their own ways, as well. (Take chances running the bases? Not with that .260 hitter with 30 home runs due up sometime in the next hour.)

No, the real intrigue in baseball is in putting a team together, playing the people who are most effective in given situations, using the bench intelligently, establishing a strong rotation, making certain the bullpen gets sufficient rest. To the uninitiated, 25 guys seems a lot for a team that will place just nine on the field at any one time. To those who think (too much) about such topics, the problem is how few those 25 really are. When I decided to devote a portion of my research time to baseball, these were the attractive issues. How does a team's composition govern performance? How and why do teams change with each passing year?

I find the years at the edge of my memory to be the most absorbing. Many older fans refer to the era of the 1950s as baseball's Golden Age, an appellation that rings alarm bells for any serious historian. I do not think that baseball was necessarily preferable as played 50 years ago, but it was different. Starting pitchers often finished, striking out was far more rare and the stolen base was something of a surprise play. Chicago, St. Louis and Milwaukee were Major League Baseball's western frontier until 1955; just 11 cities had Major League teams in 1950. Radio and television had begun to make the leagues national property, but the product was still a limited one — in size (just 16 teams), in scope, in personnel. Jackie Robinson

broke the color line in 1947, but unspoken team rules limited black participation long after; the last holdout teams did not integrate until late in the 1950s. The Golden Age is more than a little tarnished, but the appeal is undeniable. There was Mickey Mantle, you see.

The discerning will realize that I lean much to the American League side of things. The working title of the research I have begun is *Crunching Casey Stengel* — a study of baseball's strategic elements from 1949 through 1960. And, though I have a long way to go, I have already uncovered enough new material to generate many an arm-swinging, top-of-the-voice argument. Any historian would be quietly proud.

To begin with an absorbing example, I have come to realize the key to understanding the starting pitching of Casey Stengel's time is the number five, for a couple of reasons. Unlike today, when managers hope to get five or six innings out of a starter every fifth day, Stengel and his competitors drove their best horses hard, employing four-day rotations and expecting the starters to last, the whole game preferably. But there were doubleheaders. Lots of doubleheaders. Teams averaged 16 to 18 double-dips a season, making a fifth starter absolutely necessary.

As Stengel observed early in his managerial career, "[O]nce every four or five days you have to trust your job and reputation to a lunkhead" Every manager much preferred five rock-solid arms, with heads to match. Typically, those five guys would pitch *two-thirds* of a team's innings over a season, and sometimes more. When Cleveland won the pennant in 1954, their five top starters accounted for three-quarters of the innings the team played. Five guys is what every manager had to have.

And each one lasted about five years. On average, a pitcher landing a spot in a starting rotation would enjoy five seasons as a starter, probably not all with the same team. A few, of course, would wash out after a single season, depressing that average, but not so much as you might think. The best anyone could expect out of a decent and durable starter was nine seasons. Anything beyond that was a miracle, Hall of Fame country. We canonize some pitchers not because they were great, but because they were very

No, the real intrigue in baseball is in putting a team together, playing the people who are most effective in given situations, using the bench intelligently, establishing a strong rotation, making certain the bullpen gets sufficient rest.

good for an unusually long time.

What this meant for a team was that every season, year after blessed year, they were searching for new starters. The turnover rate was about 40 percent — they would be replacing at least one, probably two and very occasionally an entire staff with each new season. The Major League draft did not come into existence until 1965, so teams had to make do in any way they could — through an often-inadequate scouting and farm system, through (hopefully) shrewd trading and through the waiver wire. Why did New York teams fare so well in Casey Stengel's time? They had the most extensive farm support system, the most money. What they could not produce themselves they could obtain in uneven trades. In 1954, the Yankees sent 10 players to the Baltimore Orioles in return for seven warm bodies, only two of whom mattered. Both were starting pitchers.

One of the most wearisome criticisms of modern baseball is the hard business crust players have supposedly developed nowadays. Team loyalty is a thing of the past, so many claim. That is true only in the sense that players now possess the power to display their lack of team fidelity. General managers never had any. In Stengel's era, few players played out their careers with just one team. Chicago has fond memories of Nellie Fox, Luis Aparicio, Minnie Minoso, Early Wynn, Billy Pierce. Not one of these stars spent his entire career with the White Sox. All but Aparicio came from other franchises; all were eventually

traded away. When fans scream about the lack of “player loyalty,” they are merely begrudging him the right to market his own abilities, rather than standing helplessly by, allowing someone else to profit at his expense. The market for athletes was brisk in the 1950s. The question was who got the money.

What was different were the measures of a player’s ability. When fans extolled the virtues of Fox and Minoso, they talked batting average, they pointed to runs scored and runs batted in.

They might talk home runs in Minoso’s case, but softly in comparison to Mantle or Roy Sievers. Such statistics have become passé since the 1980s, when concepts such as runs created and on base percentage began to enter the language.

And here is where the historian must exercise some caution. On base percentage (OBP) measures the number of times a player fairly reaches base per the number of times he comes to the plate, combining his hits, walks and hit by pitch totals. This has become important because players now walk 10 percent to 15 percent *less* than they did in Stengel’s time. Too many players swing at too many bad pitches, making too many outs. OBP identifies the players refraining from this shocking habit, isolating their ability. But there were few free-swingers back in the 1950s; most everyone knew something of the strike zone. Pitchers walked more batters, and the walk average for each season describes an unbelievably elegant bell-shaped curve — most everybody in the middle, clustered close to the average, a few on the high side (Mantle, Ted Williams, Elmer Valo) and a small number who refused to walk much.

Curiously enough, none other than Nellie Fox was often among that last group, and he was anything but a free



Chicago White Sox second baseman Nellie Fox

swinger. Fox was legendary for his bat control, his ability to move runners, to hit the tough pitchers. Modern OBP analysis makes him suspect, but that only illustrates the danger of applying modern standards to players of 50 years ago. You can trade Nellie Fox and his low OBP for Elmer Valo if you want to (loyalty to the team is not going to stay your hand), but I don’t think I would do that. At worst, Fox’s refusal to walk cost his team maybe four runs a season. His glove more than made up for that.

But why should any of this matter at all? Who cares about that most arcane of statistics, Nellie Fox’s OBP? What with global terrorism, rising energy costs and ongoing environmental degradation, why should anyone devote much effort to understanding the hidden nuances in a game — even one played this evening, much less the ones played half a century ago? The answer, I think, lies in an intriguing little book written by Japanese novelist Shizuka Ijuin.

Like many Japanese, Ijuin is a dedicated baseball fan, but he is in no sense a sportswriter. He became acquainted with Japan’s greatest slugger when Hideki Matsui requested him as an interviewer for a leading magazine. Matsui had read Ijuin’s award-winning novels and liked them; the writer was stunned to discover that the star wanted to meet him. Ijuin

naturally took an even greater interest in Matsui’s career, following his exploits with the Yomiuri Giants, watching with crossed fingers as Matsui jetted to America to become an all-star with the New York Yankees.

By this time, Ijuin was not tracking Matsui’s career because of his accomplishments, but rather because of the strength of character the slugger has maintained. Ijuin’s book, *Hideki Matsui: Sportsmanship, Modesty, and the Art of the Home Run*, was published this year.

Hideki Matsui is a most humble and human star, one who goes out of his way to accommodate baseball fans, a man who quietly raises millions for charities, and gives freely of his own fortune. For Ijuin, what has shaped Matsui’s character is the man’s response to the shadow of Hiroshima and Nagasaki, a burden most baseball stars in his country much prefer to ignore. Matsui instead has chosen to acknowledge this horror in his country’s past, to face up to the mistakes, the power hungry and blind hubris that led to this most inhuman of disasters.

To Hideki Matsui, baseball is the antithesis of Hiroshima and all that went before; to make good he must fully embrace the essential humanity we all share. More than a good player, Matsui is a good man. Ijuin’s portrayal, like all good literature, moves past the simple hero worship of too many sports books to probe the role of fan support in this deeply flawed human world.

Baseball is a pastime, a frivolous game followed by legions of people who should have better things to do. Warriors do not play frivolous games, or at least they do not play them frivolously.

Always remember that. □

Robert Kuhn McGregor, a historian at the University of Illinois at Springfield, is a frequent contributor.

State aide's federal record comes to light

Steven Guerra, chief of staff for the Department of Human Services, served nearly three years in prison for not cooperating with a federal investigation of bombings in Chicago and New York City in the early 1980s. The story was first reported by the *Chicago Sun-Times*.

According to a U.S. Court of Appeals decision, a federal grand jury subpoenaed Guerra and three others in an investigation into bombings attributed to a terrorist group seeking independence for Puerto Rico — the Armed Forces of Puerto Rican National Liberation, known as FALN.

Guerra and the others were convicted of contempt of court for refusing to testify. After serving nearly three years in prison, Guerra spent the next 20 years working in social services in the Chicago area. He joined the Illinois Department of Human Services in 2003 as associate director of Community Health and Prevention and became director a year later. He became department chief of staff in May.

Gov. Rod Blagojevich's office says Guerra disclosed his conviction when he applied to work for the state in 2003.

"The only charge brought against Steven by the federal government was for refusing to testify before a grand jury in a process he believed had devolved into a McCarthy-like witch hunt," Abby Ottenhoff, the governor's spokeswoman said in an e-mail. "His decision was a matter of conscience and he served his time."

"It is our understanding that Steven was never a member of FALN or involved in activities that posed a threat to the public," she continued. "He clearly and unequivocally condemns the violence attributed to FALN."

Guerra was unavailable for comment.

Awards

Peggy Boyer Long, executive editor of *Illinois Issues* and director of Center Publications at the University of Illinois at Springfield, and Illinois Comptroller Daniel Hynes each received this year's Paul Simon Public Service Award given by the Illinois Campaign for Political Reform.

The Chicago-based nonprofit group recognizes contributions to the study of campaign finance, ethics, public debate and public participation in honor of the late U.S. Sen. Paul Simon. His work as a journalist, a state and federal lawmaker, an advocate and an academic set a high standard for commitment to public affairs, says Cynthia Canary, director of the organization.

Canary says Boyer Long was chosen for leading the magazine in educating the public about "how policy is developed, negotiated, agreed upon and funded in a bigger political universe." She adds that Boyer Long's intelligence and warm personality encouraged a lot of people to "stretch a little bit more to contribute to the dialogue about politics and government in this state."

"She's the kind of person who, in a very natural, straightforward way, really transmits her values," Canary says. "I think that a lot of those values are deeply rooted in the magazine."

Illinois Issues, which Simon helped found in 1973, is published by the Center for State Policy and Leadership. Editor since 1994, Boyer Long oversees content, financing, staffing and the magazine's advisory board. Her journalism career began as Statehouse bureau chief in 1975 for what is now WUIS public radio and the Illinois Public Radio Network. She later wrote about state government and politics for *Chicago* magazine and the *Chicago Daily Law Bulletin*. She also taught graduate courses in the Medill School of Journalism at Northwestern University in Evanston and at Columbia College Chicago. She earned a master's degree in journalism from the University of Illinois at Urbana-Champaign and a second master's in public history from what is now the University of Illinois at Springfield.

She will retire from the magazine and the university in December.

Hynes, serving his third term as Illinois comptroller, was chosen for his advocacy and leadership in speaking out about ethics and good government. "We want to recognize him as an elected official who really stood up this year on a number of pieces of legislation and, in our opinion, spoke out and spoke out sensibly in a time when the legislature's been just a little wacky," Canary says.

Specifically, Hynes strongly advocates for legislation to ban so-called pay-to-play politics, which refers to the use of campaign contributions or other perks to buy influence in the policymaking process. In addition to visiting editorial boards, testifying in legislative hearings and meeting with legislators about ethics, Hynes also speaks out about judicial public financing and lobbyist reform.

Before becoming comptroller, Hynes was a health care attorney in Chicago. He earned his law degree from Loyola University in Chicago.

Previous award winners include Abner Mikva, a former Illinois congressman and federal judge; Dawn Clark Netsch, a former state senator and state comptroller; Mike Lawrence, a former Statehouse reporter and top aide to then-Gov. Jim Edgar; and Newton Minow, a former chairman of the Federal Communications Commission.

This year's award will be presented November 7 at the Illinois Campaign for Political Reform's 10th Anniversary celebration at the McCormick Tribune Freedom Museum in Chicago.

Shifts at the top

Dr. **Damon Arnold** is now director of the Illinois Department of Public Health. He recently completed a second tour of duty treating wounded soldiers in Iraq. He replaces Dr. **Eric Whitaker**, who had been director since 2003 but has returned to the private sector.

Milt Sees advanced from acting secretary to secretary of the Illinois Department of Transportation.

For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>

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The Illinois National Guard gains a new director



William Enyart

Brigadier Gen. **William Enyart** is the new Adjutant General of Illinois. He will have command over the Illinois National Guard and serve as director of the Illinois Department of Military Affairs. He replaces Maj. Gen. **Randal Thomas**, who retired.

Enyart served in the U.S. Air Force before joining the National Guard in 1982. He has held various positions with the Guard for more than 30 years.

Enyart also practices law in Belleville and is licensed in U.S. federal courts and the Circuit Court of Appeals for the Armed Services. He is a certified military trial lawyer who earned his law degree from Southern Illinois University Law School.

Thomas led the Illinois National Guard during deployment in Iraq and Afghanistan, its largest mobilization since World War II. Before joining the Guard, he spent more than 30 years as a teacher at Hillsboro High School.

UIUC's Police Training Institute director resigns

Tom Dempsey resigned as the University of Illinois' Police Training Institute director August 31 after a conflict of interest caused the university to cancel an agreement with a U.S. government contractor that specializes in military and law enforcement training.

Dempsey, a former U.S. Marine, joined the institute on the Urbana-Champaign campus in 2002. In July, he submitted a one-month request for vacation leave to train international police officers in Afghanistan for Blackwater Inc., a private security company that also manufactures military equipment. Two months prior, Dempsey signed a five-year agreement allowing the institute and Blackwater Lodge and Training Center to share staff, students and resources while conducting research together.

University employees are not allowed to work side jobs that conflict with their university responsibilities.

The university canceled the contract in August. In a letter to the company, Chancellor Richard Herman said the agreement didn't follow university protocol, as university officials who approved Dempsey's vacation leave didn't know about the agreement with the company at the time.

Scientist creates new fuel cell research software

Lichang Wang, an associate professor of chemistry and biochemistry in the College of Science at Southern Illinois University Carbondale, received a \$200,000 grant from the National Science Foundation that will allow her to study fuel cell energy in a safer, "greener" manner.

A fuel cell uses chemical reactions to generate electricity. Wang and her students will collaborate with a team of researchers from the State University of New York at Binghamton to find catalysts that can be incorporated into electric fuel cells for automobiles, among other applications. By employing advanced software, some created at SIUC, they will be able to "see" the interaction of atoms in order to help build the most efficient and effective catalysts. A catalyst, a chemical substance, aids the fuel cell in burning at room temperature.

The program will use animated progressions showing reactions. Scientists can then see how to adjust their formulas by the movements of the animation.

"Catalysts count for about 30 percent of the cost for manufacturing fuel cells," says Wang. "Using the best catalyst can help improve efficiency of the reaction in a fuel cell, therefore lowering the cost."

In the past, if scientists wanted to study fuel cells, they had to work under precise conditions. The software Wang and her colleagues are developing will let them create models of experiments on the computer. This will make studying the fuel cells safer, and it will optimize the results because the computer can control variables, such as temperature, that need to be exact.

"The program will show us whether or not working under extreme conditions would produce beneficial results," Wang says.

Charles N. Wheeler III



The governor's lawsuits are the latest signs of a toxic environment at the Statehouse

by Charles N. Wheeler III

In the abstract, two suits now pending in Sangamon County Circuit Court pose interesting questions involving the constitutional tenet of separation of powers and the proper roles of the executive and legislative branches in lawmaking.

In the surreal world of here-and-now Illinois politics, the suits are among the latest signs of the toxic environment infusing government under the control of the state's dysfunctional Democratic leaders.

Both suits were filed by attorneys working for Gov. Rod Blagojevich. The first, filed in late August, asked the court to order House Speaker Michael Madigan to hold special sessions on the days and at the times the governor wishes, and to force representatives to show up for the sessions.

The second, filed a few weeks later, wanted a judge to order House Clerk Mark Mahoney to record officially the governor's budget veto message as of September 4, rather than some later date, so lawmakers would lose the opportunity to override the vetoes midway through statewide hearings on the cuts.

At first blush, the Constitution would seem to favor the governor's positions, but its specific language is flexible enough to be interpreted in the speaker's favor, especially if one factors common sense into the equation.

The special session brouhaha erupted after Blagojevich vowed to call in

Traditionally, most governors have called special sessions in consultation with legislative leaders, choosing a day and time convenient for everyone.

lawmakers every day until they passed a budget to his liking. One of the summons was for 2 p.m. on a Saturday, but the House met at about 10:15 that morning and quickly adjourned, so that members could go home overnight before reporting for the Sunday special session.

Later, after the House passed the full-year budget that Blagojevich ultimately trimmed, Madigan told House members they didn't need to show up for another special session the governor called to consider a one-month budget.

Blagojevich sued.

In its Legislative Article, the Constitution says "the governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session." State law charges the secretary of state with notifying lawmakers of the special session's date and time.

Traditionally, most governors have called special sessions in consultation with legislative leaders, choosing a day

and time convenient for everyone.

Typically, the call would come after the governor and the legislative leaders reached agreement, so the legislature would return to vote on the deal, thus saving lawmakers' time and taxpayers' money (a special session costs more than \$30,000 a day in living expenses and mileage reimbursement for members and for operating costs of the chambers).

Probably none of the current charter's drafters — Madigan among them — envisioned a governor using the power to harass lawmakers into bowing to his will, the most obvious rationale for Blagojevich's 16 special session calls from early July to mid-August. (In fact, with 17 summons in a 2004 budget stand-off, the governor accounts for almost half of the 67 special session calls issued under the 1970 Constitution.) Moreover, only two of the summons involved actual legislation. No bills were introduced at any of the 14 other meetings.

So one could reasonably conclude Blagojevich was willing to burn almost \$500,000 to hold lawmakers hostage until they capitulated, while Madigan acted prudently in advising members to stay home until they were really needed.

The governor's unprecedented suit against the House clerk — a mere functionary — further poisoned the air between the Democratic governor and the speaker, who also happens to be state Democratic Party chair.

In normal times, the legislature wraps

up its spring session in early summer, then returns in the fall to consider vetoes. The first day back, the governor's messages are read into the record, and the 15-day clock for overriding them starts running.

But these times are anything but normal, so when the House met in early September to consider long-term funding for Chicago-area mass transit, no official note was taken of the governor's message whacking some \$470 million out of the \$59 billion budget lawmakers approved.

The Constitution says if lawmakers are not in session when the governor vetoes general legislation, the veto is to be filed with the secretary of state, who shall forward it to the originating house "promptly upon the next meeting." But in a separate provision authorizing the governor to reduce or eliminate particular allocations in a budget bill, the charter says only that the appropriation measure "shall be returned to the house in which it originated," with no mention of how quickly transmittal must occur. House

The Constitution was written with the underlying premise that public officials, governors included, would behave responsibly.

rules are ambiguous, too, and can be read to say the clerk should record vetoes "as soon as practical."

Timing was critical to the underlying political fight. Blagojevich claimed the money slashed from the spending plan was for "pork" and other lower-priority projects that had to go to make way for higher health care spending.

To dispel the governor's rhetoric and gin up support for overrides, Madigan arranged sessions around the state to hear from local mayors, human services advocates, educators and others hurt by the governor's cuts, more than 70 percent of which were earmarked for health care,

human services and education, according to an analysis by the Center for Tax and Budget Accountability, a nonpartisan think tank.

Moreover, Blagojevich generally axed projects supported by Senate Republicans and House Democrats, while leaving untouched Senate Democrat and House Republican requests. One exception: initiatives backed by members of the legislative committee that will determine whether the governor can use agency rule-making to enact the health care expansion lawmakers refused to approve.

The Constitution was written with the underlying premise that public officials, governors included, would behave responsibly. While that may have been a naive assumption, a prudent judiciary might well heed former U.S. Justice Felix Frankfurter's words of six decades ago and avoid the "political thicket" surrounding this litigation. □

Charles N. Wheeler III is director of the Public Affairs Reporting program at the University of Illinois at Springfield.

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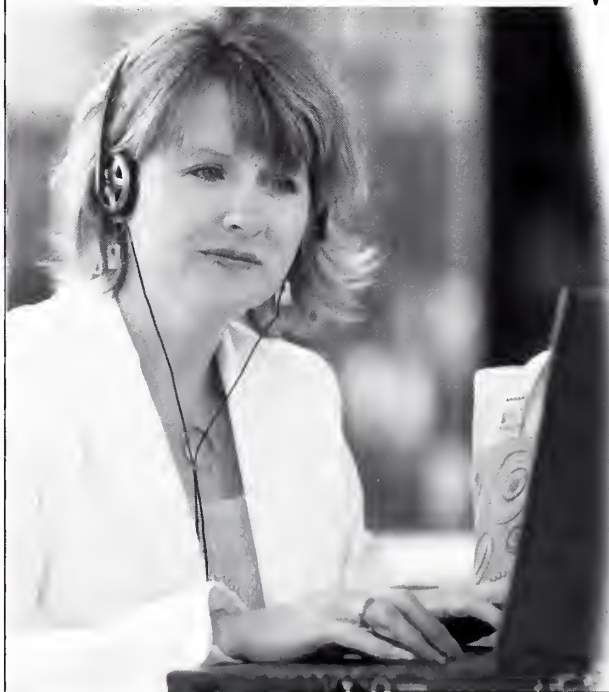
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Farmer members of Illinois Farm Bureau visit the districts of urban legislators. Through on-farm visits our state lawmakers get a unique perspective of life in the country, and help build lifetime bonds.

For more information go to:

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IFB thanks those legislators who extended their hand of friendship through the Adopt a Legislator Program:

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Illinois Issues' Statehouse Bureau Chief Bethany Carson (now Jaeger) and our Public Affairs Reporting intern Deanese Williams-Harris won the top prize in online beat reporting at this summer's conference of Capitolbeat, the national association of capitol reporters and editors. They won for the blog they produced several times each day as the spring legislative session ground its way into serious overtime.



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